

Comments and Responses Summary – Municipal Regional Stormwater Permit (MRP) – November 2007 Tentative Order Comments

This Summary of Responses to Comments is provided in advance of the comprehensive responses to comments that will accompany the Tentative Order that the Board will consider at its adoption hearing. These summary responses do not cover all comments received, but address the most frequently addressed subjects. We have attempted to cover all subject areas except the detailed legal comments. The summary of responses to Provision C.9 follows C.10 due to the way the files were grouped. We are not soliciting comments on specific responses or rebuttals to them, and such comments or rebuttals will not be entered into the administrative record.

General Comments and Responses on the November 2007 MRP

- 1. Costs and Funding:** We received many comments about the additional cost of implementing the requirements contained in the Municipal Region Permit (MRP) Tentative Order (TO), with increases estimated at 30% to over 400%. Permittees also expressed concern about the challenges of obtaining additional funding, given the economic times and restrictions mandated by Proposition 218, which requires a 2/3 vote to increase property assessments, a traditional funding mechanism for stormwater requirements. Lastly, in related comments, Permittees also questioned the water quality benefit derived from these costly requirements.

Response: The requirements included in the Revised Tentative Order (Revised TO) represent the minimum actions that in our judgement meet the Federal Clean Water Act regulatory requirements to attain the “maximum extent practicable” standard for our region. We recognize that developing adequate funding, particularly in the near term, will be a challenge. We have pushed many of the more resource intensive requirements several years out, and through this revision have made major reductions in certain requirements, while including more flexibility and reducing reporting burden. We believe that the Revised TO strikes a reasonable balance between requiring real progress toward cleaning up stormwater runoff during the five year permit term in a phased and prioritized manner, while respecting the difficult fiscal status of Permittees, particularly in the near term.

- 2. Prioritization:** Permittees commented that the MRP TO contained many new requirements, most of which are manageable, but the cumulative effort needed to meet all the requirements would be unreasonable. Therefore, Permittees requested that we prioritize the requirements, allow phase-in of some requirements over several permit cycles (each cycle being at least 5 years), and eliminate the lower priority requirements altogether. The suggested topics to receive the highest priority were: trash, implementation of adopted TMDLs for mercury and PCBs, and focused monitoring.

Response: We have reviewed requirements in each Provision and eliminated the lower priority ones, scaled back on others, and replaced some with tasks that are easier to implement. Each Provision that contains new requirements has effective dates later than the MRP effective date to allow adequate time for implementation. In particular, the base program element provisions have been revised to provide feasibility while maintaining accountability. There is a two pronged priority scheme. The overall and first priority is water quality based requirements for pollutants of concern: trash, PCBs/Mercury and pesticides. A second tier of priorities is associated with

General Comments and Responses – MRP November 2007 Tentative Order

improvements in basic stormwater program elements – however, any new actions have included time to implement.

3. **Process:** We received comments indicating displeasure at the MRP process because Permittees did not receive a formal response from Board staff on the comments they submitted so far; Permittees have seen some changes from one draft to the next but Board staff had not incorporated nor responded to many of their comments. Some Permittees requested that some major topics of contention be addressed by higher level Water Board staff and that the Water Board take a more active role in the whole MRP process.

Response: Throughout the entire MRP process, we indicated in transmittals, posted on our website, as well as announced at all our workshops that the MRP process would not include a formal response to comments from Board staff until we responded to comments on the MRP TO. This procedure is consistent with Water Board policy for the adoption of stormwater permits and NPDES permit guidelines. At the March 2008 Board Hearing, the Water Board directed its staff to continue negotiations and discussions with the Permittees, BASMAA, and other major stakeholders and those meetings have taken place with the Board's Assistant Executive Officer involved. The Revised TO is a direct reflection of our responses to comments with active involvement of upper management. We are also offering this working response in this current document well in advance of, and beyond the legal and procedural responsibilities.

4. **Record Keeping and Reporting:** Many Permittees objected to the MRP TO's requirement for increased recordkeeping, databases, and reporting and felt that the reporting requirements were too prescriptive, detailed, and onerous and they preferred to report minimal summary data that would not divert their staff's efforts from addressing water quality issues. Permittees disliked the Attachment L Reporting Template because of its length and noted inconsistencies with the reporting requirements contained in the MRP's provisions. Some Permittees objected to the requirement for electronic reporting and cited their municipalities' lack of tools for meeting this requirement. Finally, other Permittees requested that Board staff develop the Reporting Template in cooperation with Permittees and BASMAA after the MRP is adopted.

Response: We have reviewed the recordkeeping and reporting requirements for each Provision and scaled them back to what we absolutely need to measure compliance with the MRP. The few data reporting tables that are included in the MRP revised TO only require data that most Permittees are already submitting to us in their current Annual Reports and these tables have been revised to more accurately reflect what is contained in the corresponding Provision's reporting requirements. We have also added language in all the Provisions that allows for Permittees with no database capabilities to record data in a tabular format. Lastly, we have removed the Attachment L Template and will be developing a new template in cooperation with the Permittees and BASMAA once the MRP is adopted.

C.2 Municipal Operations Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
SMCWPPP SouthSF Monte Sereno SCVURPPP Sunny Berkeley Contra Costa County Supervisors - Vale, Julie Pierce Pleasanton Dublin Contra Costa County Supervisors Clayton- - Hearing Contra Costa Cnty – Swartz D Brisbane SMCWPPP Contra Costa Clean Water Program Fremont Menlo Park Berkeley ACCWP SouthSF Sunnyvale Oakley Moraga Millbrae Moraga Mayor Alameda City Millbrae-Robert Grottschalk-Albany	C.2.a C.2.a.i	Street Sweeping Frequency	Numerous comments on the costliness and difficulty, impracticability, and doubts on efficiency of implementation of detailed and relatively specific requirements intended to improve the effectiveness of street sweeping in general for stormwater pollutant removal from streets and other paved surfaces. These requirements addressed frequency of sweeping based on land use, types of sweeper technology employed, and efforts to sweep to the curb which is where the pollutants accumulate.	In response to these comments and others, these provisions are removed from the Revised Tentative Order (TO). Street sweeping is an activity that all Permittees carry out currently, but with very few exceptions, it is not optimized for stormwater pollutant removal. Provisions C.11 and C.12 may contain pilot actions to investigate increasing street sweeping pollutant removal efficiency for those particle associated pollutants.	The entire sub-Provisions C.2.a and C.2.b., which contain the street sweeping related requirements, are deleted from the Revised Tentative Order (TO).

C.2 Municipal Operations - Summary Response to Comments

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Central San	C.2.c		<p>Street Road Repair and Maintenance Issue: The method of disposal of the residuals generated from this process activity is not identified. Disposal to the sanitary sewer system of concrete slurry or pavement cutting can contribute solids and pollutants that are not acceptable unless pretreated. CCCSD does allow these wastes to be discharged to the sanitary sewer provided that appropriate standards are met (e.g. pretreatment, obtain Special Discharge Permit (SDP) for larger projects).</p> <p>Recommendation: Add text to defer to the standards and approval authority of the sanitary sewer agencies' when instructing permittees to direct these wastewater-generating sources to the sanitary sewer.</p>	<p>The TO is revised to clarify that Permittees need to coordinate with local sanitary sewer authorities prior to disposal of wastes from such activities to sanitary sewer system.</p>	<p>The added language reads: <i>"Permittees shall coordinate with sanitary sewer agencies to determine if disposal to the sanitary sewer system is available for the wastewater generated from these activities provided that appropriate approvals and pretreatment standards are met.</i></p> <p><i>Permittees shall determine the proper disposal method for wastes generated from these activities. Permittees shall train their employees and/or specify in contracts about these proper capture and disposal methods for the wastes generated."</i></p>
San Jose Att A	C.2.c, C.2.d, C.2.e	Pavement Washing	<p>The City requests the language for Provisions C.2.c.ii(1), C.2.d.i, and C.2.e.i.1 be consistent with the BASMAA Mobile Surface Cleaner Program that is referenced in the TO, and that the goal of implementing BMPs during maintenance as the "prevention of pollutant discharges" versus the prohibition of all wash waters to storm drains, which is sometimes impractical.</p>	<p>The TO is revised to clarify that the prohibition applies only to discharges of polluted wash water and non-stormwater discharges to storm drain inlets. The BASMAA Mobile Surface Cleaner Program is specifically referenced, and should be implemented to the extent that it results in the discharge of unpolluted water to the storm drain system. This approach will not cover all instances of such work, and further review by Permittees or the Water Board staff may be required for certain proposed operations.</p>	
SF Baykeeper, NRDC, & Clean Water Action Comment	C.2.c.i	Street and Road Repair BMPs Vague	<p>Street and Road Repair. Provision C.2.c needs to specify minimum BMPs and/or establish specific performance criteria. As written, it requires "appropriate" BMPs and "proper management" "to avoid discharges to storm drains."</p>	<p>BMPs for such maintenance activities are more subjective depending on the nature and location of the facilities. Thus, it may not be appropriate to provide a specific BMP menu that may limit the flexibility of using appropriate</p>	

C.2 Municipal Operations - Summary Response to Comments

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			<p>Places where the permit requires “appropriate” BMPs should be revised to include a BMP menu list of the minimum BMPs that must be implemented: C.2.c.i. Street and Road Repair and Maintenance: Asphalt/Concrete Removal, Cutting, Installation and Repair. “Permittees shall develop and implement appropriate BMPs at street and road repair and/or maintenance sites.”</p>	<p>measures that fit the site condition. The CASQA BMP Manuals are a starting point, but may not address all aspects of this work.</p>	
Contra Costa Clean Water Program	C.2.c.ii(2)	BMP Handbooks	<p>Add Reference to CASQA BMP Handbooks Add to the end of the last sentence of Provision C.2.c.ii (2) to read as <u>“and/or the California Stormwater Quality Association’s California BMP Handbook for Municipal Activities.”</u></p> <p>Rationale for change: The California BMP Handbooks are a well recognized and readily available resource, and reflect the current state of water quality best management practices.</p>	<p>TO is revised to incorporate the proposed comment.</p>	<p>See C.2.a.i for the revised TO language.</p>
Brisbane SMCWPPPAtt3-Table Mountain View Palo Alto San Jose Santa Clara County SCVURPPP Att A Oakley Moraga	C.2.d	Sidewalk/plaza	<p>Modify the TO to allow the discharge of washwaters to storm drains as described in BASMAA’s BMPs for Mobile Surface Cleaner Program. Mountain View recommends a revision to this requirement stating that BASMAA’s Mobile Surface Cleaner Program BMPs must be implemented during sidewalk and pavement washing operations. Furthermore, the City recommends revisions to clarify that the BMP for some types of cleaning operations may require collection of the wash water and disposal to the sewer, while wash water from other washing operations may discharge to the storm drain if BMPs are installed.</p>	<p>The BASMAA Mobile Surface Cleaner Program is specifically referenced, and should be implemented to the extent that it results in the discharge of unpolluted water to the storm drain system. This approach will not cover all instances of such work, and further review by Permittees or the Water Board staff may be required for certain proposed operations. The TO prohibits the discharge of polluted non-stormwater discharges to the storm drain. Permittees should require the implementation of appropriate BMPs, including the BASMAA Mobile Surface Cleaner Program to remove pollutants from wash water and/or non-stormwater before their discharge to storm drains or water ways.</p>	
Oakley Moraga	C.2.d	Mobile Washing Compliance Inspection - off hours	<p>Most mobile washing is done during late night hours, and the municipality is typically not informed of the washing schedule for private property. Does the Board require that night time policing activity include looking for and monitoring compliance of mobile washers? Is</p>	<p>Mobile washing businesses may need a license to operate within municipal jurisdiction, and municipalities shall specify stormwater compliance as one of the licensing conditional approval. We</p>	

C.2 Municipal Operations - Summary Response to Comments

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			staff required to have late shift hours to have staff patrol to observe mobile washers, or does the Board have some specific activities to engage in to verify compliance?	recognize that these businesses are difficult to regulate. Mobile business supervision has been moved to C.5 Illicit Discharge provision.	
Contra Costa Clean Water Program Daly City Burlingame	C.2.d.i	Wash Water Discharge	<p>Allow Wash Water Discharge in Specific circumstances. Section C.2.d.i - Replace “which prohibit the discharge of wash water to storm drains. Permittees shall implement the BMPs included in....” with “<u>consistent with</u>”.</p> <p>Rationale for change: This provision, as written, would prohibit all wash water from mobile cleaning, pressure wash operations, and sidewalk and plaza cleaning from entering the stormwater system; however, BASMAA’s Mobile Surface Cleaning Program allows wash water discharges to the storm drain in certain limited situations...</p>	<p>The TO is revised to indicate that discharge of polluted wash water or non-stormwater to storm drain is prohibited. The BASMAA Mobile Surface Cleaner Program is specifically referenced, and should be implemented to the extent that it results in the discharge of unpolluted water to the storm drain system. This approach will not cover all instances of such work, and further review by Permittees or the Water Board staff may be required for certain proposed operations. The TO prohibits the discharge of polluted non-stormwater discharges to the storm drain. Permittees should require the implementation of appropriate BMPs, including the BASMAA Mobile Surface Cleaner Program to remove pollutants from wash water and/or non-stormwater before their discharge to storm drains or water ways.</p>	<p>The revised TO language is underlined. “Permittees shall implement, and require to be implemented, BMPs for pavement, washing, mobile cleaning, pressure wash operations in such locations as, <u>parking lots and garages</u>, <u>trash areas</u>, <u>gas stations fueling areas</u>, and sidewalk and plaza cleaning, which prohibit the discharge of <u>polluted wash water and non-stormwater</u> to storm drains...”</p>
Daly City	C.2.e	Discharge to storm drain	Bridge & Structure Maintenance & Graffiti Removal See Comment C.2.d.i. (i.e. The permit language should recognize the long standing practice of allowing some minor types of non-stormwater discharges when BMPs are used).	<p>It is very difficult to classify between minor and major discharges. Multiple small discharges could also have significant impacts to water quality depending on the nature of pollutants and the sensitivity of the receiving water bodies. Thus, no discharge of polluted non-stormwater is allowed without properly removing pollutants of concern. If there are significant practicality issues for very minor discharges, these can be addressed case-by-case.</p>	No change proposed.
Central San Santa Clara County	C.2.e	Graffiti removal	Bridge and Structure Maintenance and Graffiti Removal Issue: The method of disposal of the residuals generated from this process activity is not identified. Disposal of	TO language is revised to clarify that discharges to the sanitary sewer require permission from the sanitary agency.	“ <i>Permittees shall determine the proper disposal method for wastes</i>

C.2 Municipal Operations - Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
			cleaning solutions should be prohibited from discharge to sanitary sewer. In addition, solids and potential metals from paint pigments should not be discharged to sanitary sewer. Recommendation: Identify that the residuals generated from this process activity that need to be properly disposed. County staff is unaware of any BMPs for graffiti removal. How should pollutants be prevented from re-entering storm or watercourses?	See proposed language in the next column. Graffiti removal generated polluted wash waters may be disposed to landscaping where appropriate, or captured in absorbent or a wet vacuum for proper disposal.	<i>generated from these activities. Permittees shall train their employees and/or specify in contracts about these proper capture and disposal methods for the wastes generated. Permittees shall coordinate with sanitary sewer agencies to determine if disposal to the sanitary sewer is available for any wastewaters generated, and the necessary approvals and conditions.”</i>
SF Baykeeper, NRDC, & Clean Water Action Comment	C.2.e.i.	Specify appropriate BMPs.	Places where the permit requires “appropriate” BMPs should be revised to include a BMP menu list of the minimum BMPs that must be implemented: C.2.e.i.(1). Bridge and Structure Maintenance and Graffiti Removal. “Permittees shall implement appropriate BMPs to prevent pollutant discharge from bridges and structural maintenance activities directly over water or into storm drains.”	Permittees will be able to implement pollutant control measures based on the needs and nature of their specific maintenance activities after appropriate training, and using such guidance as the BASMAA Mobile Cleaner training materials, the CASQA BMP Handbooks, and other similar resources. Some of these work circumstances will require customized BMP solutions to prevent discharge of polluted non-stormwater.	No change is proposed.
Alameda City Pittsburg Burlingame Daly City Menlo Park Millbrae Brisbane SMCWPPPAtt3-Table Mountain View San Jose San Jose Santa Clara County SCVURPPP	C.2.f.	Inlet Cleaning, Increased cost, access to private streets, Size of task	Numerous comments on the cost in both equipment and staff, and difficulty to inspect and clean each storm drain inlet, as needed, annually.	In response to these comments, and other comments elsewhere, this provision is deleted from the TO. If inlet cleaning proves to be a useful pollutant removal practice under the pilot investigations of provisions C.11 or C.12, Permittees may employ the practice in the future for stormwater benefit. To the extent trash capture devices are installed in storm drain inlets, more regular maintenance will be required to service those installations. Many Permittees currently clean storm drain inlets, primarily to prevent flooding.	The entire Provision C.2.f. is deleted from the TO.

C.2 Municipal Operations - Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
Sunnyvale Saratoga City Oakley Moraga San Jose – M. Tovar Fairfield City Berkeley ACCWP Danville Danville-Newell Arnerich-					
Burlingame Millbrae SMCWPPPAtt3- Table Milpitas Palo Alto Santa Clara County SCVURPPP Att A Sunnyvale Att A	C.2.g	Pump Station Inspection and Monitoring	<ul style="list-style-type: none"> • The TO should be modified to only require that municipalities inspect stormwater pump stations that they own or operate. The fact sheet does not describe the technical basis for requiring inspections at a minimum frequency of four times per year. A particular pump station may not have water quality problems, and not justify 4 times per year inspections. In addition, it is unclear what benefit there would be to provide the Water Board with information about the volume or mass of material removed from a particular pump station. SMCWPPP recommends that the permit avoid requirements to collect and report unnecessary information. • The requirement for pump station maintenance during or within 24 hours of significant storm events is too inflexible. Municipalities have experience with how often these pump stations need to be maintained. SMCWPPP is unaware of any water quality problems that have been identified resulting from inadequate maintenance, and it recommends that this level of specificity is unnecessary to include in the permit. • The County is proposing that there be three pump station inspections instead of four (fall, winter and spring). The County is also proposing that there is already a BMP that addresses inspecting trash racks and oil absorbent booms at pump station during or within 24 hours of a significant storm event 	<p>TO is revised to specify that Permittees will be responsible to provide inventory and perform inspection of pump stations within their jurisdiction. The inspection frequencies have been reduced to twice a year.</p> <p>The TO language for this provision is revised in response to the comments received. See the proposed revisions.</p> <p>Please note that the monitoring requirement in this provision is focused on Dissolved Oxygen concentration. Other short-term and long-term monitoring requirements are addressed in the provisions for Pollutants of Concern in the Order.</p>	<u>Inspect and collect dissolved oxygen (DO) data from all pump stations twice a year during the dry season between the months of July and October.</u> <u>Inspect pump stations in the first business day after ¼-inch within 24 hour or larger storm event. Such post-storm inspection and monitoring shall focus on trash and illicit discharge characteristics that may adversely affect receiving waters, including presence of odor, color, turbidity, and floating hydrocarbons.</u> <u>Remove debris and trash and replace oil absorbent booms, as needed.</u>

C.2 Municipal Operations - Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
Association of Governments of San Mateo County – Hearing – Napier, R.	C.2.g	Diversion to Sanitary Sewer	We believe the MRP should incorporate a stepwise approach to determine if there really are water quality problems at all pump stations and then allow municipalities the flexibility to determine the best way to deal with those problems rather than assuming diversion to the sanitary sewer is the most cost effective solution.	Diversion of pump station discharges to sanitary sewer is removed from this provision. Dry weather and first flush diversions are addressed in the provisions for Pollutant of Concerns of the Order.	Diversion to sanitary sewer requirement is removed from this provision and included with the provisions for Pollutants of Concern.
GCRCD	C.2.g, C.8	Outfalls	The MRP does not adequately address non-stormwater outfalls that discharge water into waterways, including in multiple locations along Guadalupe River. The discharge from these outfalls have negative impacts to beneficial uses, such as sudden flow reduction strands fish, altering river water temperature especially during low flow periods creating negative impacts to salmonid spawning, egg incubation, hatching and rearing. The MRP needs to address these negative impacts and require they be eliminated or fully mitigated.	Many of the non-stormwater discharges should be controlled by provision C.15. However, controlling the flow properties of all outfall discharges will be beyond the means and resources of municipalities or the scope of the Revised TO. The pilot studies required in the provisions for Pollutants of Concern, and the various inspection provisions may identify pollutant problem areas and implement appropriate control measures to control pollutant discharges to the maximum extent practicable.	No changes
JamesRoger Contra Costa Clean Water Program	C.2.g.i	Pump Station	<p>It is unreasonable to require that existing pump stations comply with water quality standards. Last sentence should be changed to read “and to reduce the discharge of pollutants in the storm water discharges to the maximum extent practicable.”</p> <p>Change “comply with water quality standards” to “the maximum extent practical in compliance with provisions in this order.” to be consistent with State Board Order WQ 1999-05, which ties compliance with discharge prohibitions to the implementation of control measures.</p>	<p>The main purpose of the Order is to reduce pollutants from urban runoff with the ultimate goal to attain water quality standards in all receiving waters. In the implementation level, Permittees are required to check the DO concentration to be 3 mg/l or higher before discharging from pump stations to storm drains or other water ways to avoid discharge of polluted water that may impact receiving waters.</p>	No changes
SMCWPPPAtt3-Table Local Streets & Roads Working Group San Jose San Jose Att A SCVURPPP Att A	C.2.h	Rural Roads	<ul style="list-style-type: none"> Municipalities covered under the permit should be responsible for implementing BMPs on rural roads that they own or operate. There should not be fixed compliance dates in the permit, and that all dates be specified based on the permit adoption date. Thus, it is recommended that the BMPs should be indentified within one year of permit adoption and training on these BMPs be completed within two years of permit adoption. 	<ul style="list-style-type: none"> Permittees are responsible to maintain rural roads within their jurisdictions in a manner that does not cause pollution of stormwater runoff. These requirements are not new to existing MS4 programs with rural infrastructures. Under the existing permit, Permittees of Alameda and Santa Clara Counties with rural roads have 	No changes

C.2 Municipal Operations - Summary Response to Comments

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Concord Mayor Moraga Mayor CCCEAC			<ul style="list-style-type: none"> • Additional requirements should be conditioned to only apply where the additional maintenance and rehabilitation of stream crossings and culverts is needed and part of a MS4 owned or operated by a municipality covered under the permit. • Modify TO that requirements should only apply to rural roads adjacent to streams and riparian habitat with a known MS4 related water quality problem. • Significant capital cost if the TO requires a rehabilitation program. The TO should make distinction between maintenance operations and capital improvement projects. 	<p>developed BMPs for maintenance activities.</p> <ul style="list-style-type: none"> • Permittees without developed BMPs are required to develop and provide verification of their compliance three years after the adoption of the Order. In addition, some municipalities and special districts may seek a multi-year permit for projected rural road maintenance activities, such as culvert replacement, stream bank stabilization and bridge work. The TO provisions are intended to facilitate a simple process that will address pollutant issues that this work may create. • The intent of this provision is not to require capital improvement, but to implement BMPs when municipalities are conducting routine rural road maintenance and construction works in rural infrastructures. 	
Contra Costa Clean Water Program	C.2.h	Increase cost	Water Board staff's well intended yet overly prescriptive language in this provision will have the unintended consequence of further exacerbating deferred rural road maintenance needs, which is in excess of 10 million dollars countywide.	<ul style="list-style-type: none"> • These requirements are not new to existing MS4 programs with rural infrastructures. Under the existing permits for Alameda and Santa Clara Counties, Permittees with rural roads have developed BMPs for maintenance activities. • Permittees without developed BMPs are required to develop and provide verification of their compliance three years after the adoption of the Order. In addition, some municipalities and special districts may seek a multi-year permit for projected rural road maintenance activities, such as culvert replacement, and stream bank stabilization and bridge work. The TO provisions are intended to facilitate a simple process that will address pollutant issues that this work may 	

C.2 Municipal Operations - Summary Response to Comments

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				<p>create.</p> <ul style="list-style-type: none"> The intent of this provision is not to require capital improvement, but to incorporate BMPs when municipalities are conducting routine rural road maintenance and construction works in rural infrastructures. 	
SF Baykeeper, NRDC, & Clean Water Action Comment	C.2.h.ii	Require specific BMPs	Places where the permit requires “appropriate” BMPs should be revised to include a BMP menu list of the minimum BMPs that must be implemented: C.2.h.ii.(2)(2). Rural Public Works Construction and Maintenance. “Permittees shall develop and annually evaluate appropriate management practices for the following activities, which minimize impacts on streams and wetlands.”	Alameda and Santa Clara Counties have developed Rural Road BMP guidance. We would expect San Mateo and Contra Costa Counties to build on these existing efforts, and include information from other available guidance, particularly related to work around and in salmonid stream habitat.	
Contra Costa Clean Water Program	C.2.h.ii & C.2.h.iii	Rural Roads	Provisions C.2.h.ii and C.2.h.iii require development and submittal of BMPs for construction and post construction on rural roads. The California Stormwater Quality Association’s (CASQA’s) BMP Handbooks (i.e., Construction Handbook and Municipal Handbook) already identify specify stormwater quality BMPs for road maintenance and construction activities.	See the response to the above comment. The Permittees are required to develop and implement effective BMPs for erosion and sediment control measures during construction and maintenance of rural road and associated activities. The specific implementation levels of this provision will guide Permittees to develop the required minimum BMPs consistent with those in the CASQA Handbooks for on-site use by maintenance crews.	
Oakley Oakley CCCEAC Contra Costa Co. Supervisors Contra Costa Clean Water Program Moraga	C.2.h.ii(3)(a)	Re-grading	C.2.h.ii (3) (a) requires the re-grading of the roadway section to “...slope outward...” The geometric design of roadways is dictated by the AASHTO “Policy on the Geometric Design of Highways and Streets”. This sets forth the general roadway section recommendations for high point at the crown and 1.5 to 2% slope to the edge of pavement. It also calls for erosion control measures of a minimum of seeded topsoil. The cross section and the need for super-elevation in curves are further dictated by the Caltrans Highway Design Manual. These standards can not be varied from. Changing road slope only possible and safe if the road curved across the drainage resulting in a super-elevated road section, otherwise re-grading the road to slope outward would	See revision.	The TO is revised to add the suggested language.

C.2 Municipal Operations - Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
			result in a unsafe traffic condition. The following language should be added to the TO "where consistent with road engineering safety standards."		
Brisbane SMCWPPPAtt3-Table SCVURPPP Att A	C.2.i	Corporation Yard	<ul style="list-style-type: none"> • Modify the TO to require that municipalities use appropriate BMPs to control potential pollutant sources at corporation yards they own or operate, but not to prepare Stormwater Pollution Prevention Plans for facilities not subject to the State's General Industrial Stormwater Permit. • The TO should be revised to allow for an alternative for rural corporation yard facilities without access to sanitary sewers. The TO should allow wash waters to flow to vegetated areas or other areas that do not impact water quality. 	Permittees are required to implement BMPs to corporation yards within their jurisdiction. A SWPP Plan is an appropriate site specific tool and is not limited to General Industrial Stormwater Permitted facilities. Facilities without access to sanitary sewer must have other treatment alternatives and discharge to vegetated area may be appropriate if operated properly.	
SF Baykeeper	C.2.i	Corporation Yard	Corporate yard BMP Implementation. Provision C.2.i should specify the minimum BMPs to be implemented.	The TO is revised to address the comment.	<p>The additional TO language reads “...Each SWPPP shall incorporate all applicable BMPs that are described in the Caltrans Storm Water Quality Handbook Maintenance Staff Guide, May 2003, and its addenda.”</p>
Contra Costa County Supervisors	C.2.i	Corporation Yard	At the start of this section “The requirements in this provision shall apply only to facilities that are not already covered under the State Board’s Statewide Industrial Stormwater NPDES General Permit.” This language implies that the County’s three Corporation Yards (in Martinez, Richmond and Brentwood) do not have to comply with the requirements of this section, since they are already covered under the General Industrial NPDES Permit (due to their Motor Freight and Transportation Warehousing NAIC code). If the above-noted inference is correct, than this provision is acceptable.	Yes, the interpretation in the comment is correct.	No changes.

Summary Response to Comments – Provision C.3. New and Redevelopment Controls

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
CCCSD	C.3.a.i.(6)	Performance Standard Implementation <i>Site Design Measures (for all projects)</i>	The reference to “disconnecting roof downspouts” without identifying alternative management strategies for the water collected in the roof downspouts could create significant problems for CCCSD. This may serve as an incentive for some developers to connect roof leaders to the sanitary sewer system, a practice specifically prohibited by CCCSD and other sanitary sewer agencies.	We agree.	Provision C.3.a.i.(6) has been revised to require Permittees to encourage development projects to direct roof runoff to vegetated areas and not just to disconnect roof downspouts.
CCCSD	C.3.a.i.(7)	Performance Standard Implementation <i>Source Control Measures (for all projects)</i>	<ul style="list-style-type: none"> This provision identifies discharges that are to be directed to the sanitary sewer without consideration of whether they would be acceptable to the sanitary sewer agencies. Some of the water generating sources may not be acceptable for discharge to the sanitary sewer (e.g. passive drains from swimming pools, direct connections to divert fire sprinkler test water). 	We agree.	Provision C.3.a.i.(7) has been revised to state that all source control measures that include connection to the sanitary sewer are subject to the local sanitary sewer agency's authority and standards.
ACCWP ACCWP - Scanlon, J ACFCD Zone 7 BASMAA - Bicknell, J Berkeley Berkeley Att Table Concord Mayor Concord Cupertino Dublin Fremont Hayward Menlo Park Monte Sereno Mountain View Newark Oakland	C.3.b.i.(1)	Treatment Threshold <i>Reduction from 10,000 to 5000 ft² Special Land Use Categories only</i>	<p>Do not lower threshold for C.3 requirements from 10,000 to 5000 ft² for certain land uses because:</p> <ul style="list-style-type: none"> There is no analytical data supporting the reduction, which will not capture additional significant pollutants; It causes an excessive administrative burden to municipalities to process plans, execute operations and maintenance agreements, and provide ongoing inspections, all for nominal water quality improvement; Additional treatment devices put an administrative burden on Mosquito Abatement Districts to conduct mosquito inspection/suppression - Alameda County Mosquito Abatement District estimates 7 inspections/year for each treatment site; Board staff's study concluded that projects of < 10,000 ft² impervious surface accounted 	The 5000 ft ² threshold for the identified special Land Use Categories in Provision C.3.b.i.(1) constitutes MEP and are consistent with State Board guidance, court decisions, and other Water Boards' requirements. In the precedential decision contained in its WQ Order No. 2000-11, the State Board upheld the SUSMP (Standard Urban Stormwater Mitigation Plan) requirements issued by the Los Angeles Water Board's Executive Officer on March 8, 2000, and found that they constitute MEP for addressing pollutant discharges resulting from Priority Development Projects. The State Board re-affirmed that SUSMP requirements constitute MEP in their Order WQ 2001-15. Provision C.3.b.i.(1)'s requirement that development projects in the identified	

Summary Response to Comments – Provision C.3. New and Redevelopment Controls

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
Pleasanton, - Wilson, R Pleasanton San Jose San Ramon Santa Clara City SCVURPPP SCVURPPP Att A			<p>for < 1% of total land development; it is a waste of scarce public resources to expend a disproportionate amount of effort to capture the last 1% of total development;</p> <ul style="list-style-type: none"> • It makes some small private and public improvement projects too costly to do, so that in some cases, impervious surfaces are retained instead of diminished. 	<p>Special Land Use Categories adding and/or replacing $\geq 5000 \text{ ft}^2$ of impervious surface shall install hydraulically sized stormwater treatment systems is consistent with the SUSMP provisions upheld by the State Board. Provision C.3.b.i.(1) is also consistent with Order Nos. R9-2002-1001 and 2001-01 issued by the San Diego Water Board, Order No. R4-2001-182 issued by the Los Angeles Water Board, and State Board's Order WQ 2003-0005 issued to Phase II MS4s. Under Order WQ 20003-0005, Phase II MS4s must apply the lower 5000 ft^2 threshold for requiring stormwater treatment systems by April 2008. The MRP Tentative Order already allows two years from the MRP effective date for the Permittees to implement the lower 5000 ft^2 threshold, essentially 3 years later than the Phase II MS4s.</p>	
Colma Livermore Menlo Park Pacific S San Francisco San Mateo Co	C.3.b.i.(1)	Treatment Threshold <i>Reduction from 10,000 to 5000 ft²</i> Special Land Use Categories only	<p>The lower threshold for the “Special Land Use Categories” will result in very little increase in the amount of impervious surface that requires stormwater treatment. Based on studies that Board staff conducted and reported on at its November 15, 2006, workshop, the current permit requirements are capturing about 97% of all of the impervious surface area created and/or replaced in the cities studied.</p>	<p>The MRP TO also establishes a 5000 ft^2 threshold for essentially the same land use categories as the other Water Board permits referenced in the comments.</p> <p>With regard to Environmentally Sensitive Areas (ESAs), we consider the 5000 ft^2 threshold for certain land use categories, the 10,000 ft^2 threshold for all other development projects, and the required site design measures for small projects to be sufficiently protective at this time.</p>	
NRDC	C.3.b.i.(1)	Treatment Threshold <i>Reduction from 10,000 to 5000 ft²</i> Special Land Use Categories only	<ul style="list-style-type: none"> • The MRP contains weaknesses compared to other California Phase I permits: <ul style="list-style-type: none"> ◦ San Diego's MS4 permit requires redevelopment projects, restaurants, hillside developments, parking lots, road projects, and retail gasoline outlets creating at least 5000 ft^2 to implement the required LID BMPs. ◦ The latest draft Ventura County MS4 permit also uses the 5000 ft^2 threshold. • The MRP TO however applies a 10,000 ft^2 threshold. If the San Diego Water Board has already set a lower threshold in an approved permit and if the LA Water Board is poised to do so in its Ventura County permit, the MRP TO's threshold does not constitute the MEP standard. 		

Summary Response to Comments – Provision C.3. New and Redevelopment Controls

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
			<ul style="list-style-type: none"> In some cases, even the 5000 ft² threshold is too large. The San Diego MS4 permit regulates projects in environmentally sensitive areas (ESAs) that either create 2500 ft² of impervious surface or increase the total impervious area to more than 10% of its naturally occurring condition. The Ventura draft permit includes a similar provision. The MRP TO however does not include any such provision. 		
CCCWP Contra Costa Co Supervisors Moraga Moraga, - Kennedy, F Moraga, - Kennedy, F BASMAA, - Bicknell J Mountain View Oakley San Pablo	C.3.b.i.(1) & C.3.b.i.(5)	Grandfathering or Pipeline Language for Private Regulated Projects	<p>Do not change the applicable date for the new 5000 ft² impervious surface threshold from the "application deemed complete" date to the project's "final discretionary approval" date because:</p> <ul style="list-style-type: none"> The "deemed complete" date already reflects considerable design effort and public agency review and comment to address all applicable codes, policies, and standards; Final discretionary approval is given by the legislative body, a point where the project is frequently at the 40-60% construction drawing stage. Environmental review must begin within 30 days of receipt of an application and can take up to a year for big projects. The threshold applicability date change proposed makes it likely that a project will be changed after completion of environmental reviews. The change would require the Permittees to modify recommended conditions of approval for projects that have already received final recommended conditions but have not been granted final discretionary approval, change existing guidance materials and create unnecessary confusion in the development community. The change may require some private 	<p>The Permit Streamlining Act requires that a public agency must determine whether a permit application is complete within 30 days after receipt; if the public agency does not make this determination, the application is automatically deemed complete after 30 days. Data we have collected from Permittees audits and file reviews as well as reported to us by Permittees confirm that in many cases, the development permit applications have indeed not been reviewed for compliance with Provision C.3. requirements and yet have automatically been deemed complete 30 days after the application submittal date. Therefore, we feel the "deemed complete" date is too early in the permitting process for projects to be grandfathered and essentially exempted from the lower 5000 ft² threshold. Projects should be further along in the permitting process before they are granted this exemption from complying with new requirements when they become effective, as significant changes in project details and scope often occur later in the planning process.</p> <p>However, we understand that Provision</p>	<p>Provision C.3.b.i.(1) has been revised to specify a date in-between the "application deemed complete" and "final discretionary approval" date that better reflects the point where staff-level agency review has already taken place. This identical language has been added to Provision C.3.c.ii. because the LID requirements in Provision C.3.i. are new and have an implementation date 1 year after the MRP effective date.</p> <p>The grandfathering language found in Provision C.3.b.i.(5) has been removed because it is no longer applicable.</p>

Summary Response to Comments – Provision C.3. New and Redevelopment Controls

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
			<p>projects to re-engineer and re-design existing projects at significant expense and substantial re-budgeting of municipalities' current capital improvement programs.</p> <ul style="list-style-type: none"> • This may not be consistent with the Permit Streamlining Act. 	C.3.b.i.(1)'s use of the "final discretionary approval" date may conversely be too late in the permitting process to implement new threshold requirements, particularly since this type of approval requires actions by city councils or boards of supervisors.	
CCCEAC Concord Mayor Moraga, - Kennedy, F Moraga, - Kennedy, F Mountain View BASMAA, - Bicknell, J Contra Costa Co Supervisors Moraga Oakley	C.3.b.i.(1) & C.3.b.i.(5)	Grandfathering or Pipeline Language for Public Regulated Projects	<p>Do not change the point in processing when the impervious threshold becomes applicable to public works projects to "when funding has been committed and construction is scheduled to begin by 7/1/2010" (effective date of 5000 ft² threshold for certain land uses) because:</p> <ul style="list-style-type: none"> • Public works projects frequently require multiple funding sources, each of which has its own set of rules for funding allocation, beyond funding commitment, that includes no work beginning before the source agency has approved all funding documentation. Projects can be held for years before design can begin, well after local agency funding commitments have been made. • Once design for a project commences, budgets have been set and committed to, so changes in requirements would be unreasonable and politically difficult to justify. • The change will dramatically increase the cost of projects that are designed, funded and scheduled, but fall between these two distinctions. • It may result in a reduction in road projects necessary for public safety, or cause severe delays and cost increases; it is therefore contrary to the best interests of the public. 	<p>Just as with private projects, public projects should be far enough along in the design and approval process to warrant being grandfathered and essentially exempted from complying with the lower 5000 ft² threshold when it becomes effective. Grandfathering projects that only have funds committed by the new threshold's effective date as suggested in the comments is too early for the very reasons given in the comments; that is, projects can be held for years before design can begin, well after funding commitments have been made.</p> <p>However, we understand that Provision C.3.b.i.(1)'s application of the grandfathering exemption to projects that have construction scheduled to begin within by the threshold effective date (or 2 years after the MRP effective date) may conversely be too late in the permitting process to implement new threshold requirements, particularly since this type of approval requires actions by city councils or boards of supervisors.</p>	<p>Provision C.3.b.i.(1) has been revised to allow the grandfathering exemption for projects that have construction set to begin within 1 year of the threshold effective date (or 3 years after the MRP effective date).</p> <p>This identical language has been added to Provision C.3.c.ii. because the LID requirements in Provision C.3.i. are new and have an implementation date 1 year after the MRP effective date.</p> <p>The grandfathering language found in Provision C.3.b.i.(5) has been removed because it is no longer applicable.</p>
Brisbane Colma Daly City	C.3.b.i.(1)(a)(iv)	Regulated Projects <i>Parking Lots</i>	Parking lots that are covered (e.g., underground or a lower level in a parking structure) should not have to have stormwater	Provision C.3.b.i.(1)(a)(iv) was intended to apply only to uncovered parking lots and any uncovered levels of parking garages.	Provision C.3.b.i.(1)(a)(iv) has been revised to clarify

Summary Response to Comments – Provision C.3. New and Redevelopment Controls

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
Menlo Park Pacific S San Francisco San Mateo Co SCVURPPP Att SMCWPPP Att 3 Sunnyvale Att A			treatment controls because there is no exposure. We request that covered parking lots be exempt from the requirements.		this issue.
ACCWP Att 2 San Pablo Contra Costa Co Supervisors	C.3.b.i.(1)(c)-(d) & C.3.b.i.(3)(a)-(b)	Redevelopment Projects 50% Rule	<ul style="list-style-type: none"> • From a water quality perspective, redevelopment projects are generally preferable to projects on previously undeveloped land because they encourage infill. The 50% rule conflicts with other regional policies aimed at reducing driving by encouraging redevelopment of Brownfields or vacant lots, which indirectly protects water quality by reducing airborne pollutants from entering waterways. • Instead of adding this burden to treat the not redeveloped parts of a site, the Water Board should provide incentives for redevelopment. • An exclusion from compliance with the 50% rule should be allowed for redevelopment projects where treatment of runoff from existing impervious surfaces is demonstrated to be infeasible (e.g., cost prohibitive). • This would not exacerbate impacts to water quality impairment, as excluding such areas would have no effect on water quality. 	<p>The purpose of the 50% rule is to require stormwater treatment at projects where a substantial amount of impervious surface is being replaced. It is a means to address the pollutant loading from existing development and impervious surfaces when these sites are being redeveloped in a significant manner. The requirements of this Provision are consistent with the Permittees' current stormwater permits as well as stormwater permits statewide; therefore it is considered MEP.</p> <p>In situations where the site conditions render the treatment of existing impervious areas challenging or cost-prohibitive, Provision C.3.e. provides alternative means of compliance with Provision C.3.b.</p>	
ACCWP - Scanlon, J ACCWP ACFCD Zone 7 CCCEAC Colma Danville Fremont Menlo Park Newark	C.3.b.i.(1), (4)&(5)	Threshold, Trails, Bike Lanes, Sidewalks, & Road Rehabilitation	<ul style="list-style-type: none"> • In 2003, Board staff proposed the 5000 ft² threshold and the regulation of trails, bike lanes, and road reconstruction projects within the existing right-of-way. After a great deal of acrimonious debate, it was agreed that these two things would not be implemented because they were deemed non-productive and not a good use of limited resources. Board staff is now again attempting to insert these same 	<p>Threshold – See response above.</p> <p>Bike Lanes and Sidewalks – We concur that additional bike lanes and sidewalks do not translate directly to greater vehicular traffic and its associated pollutants. However, as with all roofs, the additional impervious surface from bike lanes and sidewalks do increase stormwater pollutants because of aerial</p>	<p>Provision C.3.b.i.(4) has been revised to remove the sized treatment requirement for bike lanes added to existing roads.</p> <p>Provision C.3.b.i.(4) has also been revised</p>

Summary Response to Comments – Provision C.3. New and Redevelopment Controls

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
Oakland S San Francisco San Mateo Co San Pablo - Samkian, K San Pablo San Ramon Walnut Creek			<p>requirements rejected in 2003.</p> <ul style="list-style-type: none"> • The implementation of the current 10,000 ft² threshold for stormwater treatment and the HM requirements for flow are so recent that the full financial impact of these requirements on Permittees and the affects on water quality are still unknown, particularly since the number of installed treatment and HM systems and the corresponding operation and maintenance inspections required are expected to increase. • The MRP should not expand upon these regulations until their efficacy is demonstrated. Any changes in the threshold should be deferred until the next five-year permit term. 	<p>deposition. Given that, we do recognize the greater benefit that bike lanes and sidewalks provide by encouraging less use of automobiles. Therefore, Provision C.3.b.i.(4) has been revised to remove the sized treatment requirement for bike lanes added to existing roads. Bike lanes constructed as part of new road projects must still be included in the impervious surface calculation for appropriately sizing required stormwater treatment systems. Provision C.3.b.i.(4) has also been revised to remove the sized treatment requirement for sidewalks added to existing roads; however the added sidewalks must be constructed to drain to adjacent vegetated areas or constructed with permeable surfaces.</p>	<p>to remove the sized treatment requirement for sidewalks added to existing roads; however the added sidewalks must be constructed to drain to adjacent vegetated areas or constructed with permeable surfaces.</p> <p>We have replaced the road rehabilitation requirements of Provision C.3.b.i.(5) with a requirement for the completion of 10 pilot “green streets” projects by the Permittees within the first 4 years of the MRP.</p>
Alameda Co BASMAA, - Bicknell, J Burlingame CCCWP Letter Concord Mayor Lars Thomsen Local Streets & Rds Working Grp Martinez Moraga Oakley Pittsburg San Jose Att A San Pablo San Ramon Santa Clara City Santa Clara Co	C.3.b.i.(4)	Bike Lanes and Sidewalks	<p>Do not require stormwater treatment for sidewalk and bicycle lane projects because:</p> <ul style="list-style-type: none"> • Of negative impact on pedestrians, bicyclists, and motorists by forcing reduction of services addressing public safety; • These projects reduce vehicle use and their regulation does not support clean water efforts; • That will cause these projects to be unaffordable and forfeit potential benefit to the environment and community; • Of significant financial burden on local jurisdictions who undertake these projects to address public safety; • Benefits of providing bike lanes and pedestrian ways promote the goals of the Water Board as well of the Air Board; • The Water Board needs to look at the overall net benefit to the public and the environment as across the country, greater emphasis is being placed on increasing bicycle and 	<p>permeable surfaces. Given the common practice of putting sidewalks next to vegetated areas, this site design requirement should be easily achievable and will provide some reduction in runoff pollutants and flow. However, sidewalks constructed as part of new road projects must still be included in the impervious surface calculation for appropriately sizing required stormwater treatment system.</p> <p>For road rehabilitation projects within the same footprint, based on the numerous comments received, we acknowledge the logistical difficulties in retrofitting roads with stormwater treatment systems as well as the funding challenges facing municipalities in the Bay Area. Therefore, we have removed the road rehabilitation requirements of Provision C.3.b.i.(5). However, we are aware that some cities have or will have</p>	<p>These projects must incorporate LID techniques pursuant to Provision C.3.c. and stormwater treatment pursuant to Provision C.3.d. Because these are pilot projects, we have not specified a minimum or maximum size requirement nor an even distribution of projects throughout the Permittees’ service areas. The only requirement is that the</p>

Summary Response to Comments – Provision C.3. New and Redevelopment Controls

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
			pedestrian accessibility, encouraging physical fitness and reducing road congestion and energy consumption to improve air quality.	funding for “green streets” retrofit projects that will provide water quality benefits as well as meet broader community goals, such as fostering unique and attractive streetscapes that protect and enhance neighborhood livability, serving to enhance pedestrian and bike access, and encouraging the planting of vegetation that contributes to reductions in global warming. We have replaced the road rehabilitation requirements in Provision C.3.b.i.(5) with a requirement for the completion of 10 pilot “green streets” projects by the Permittees within the first 4 years of the MRP.	projects should be representative of the three different types of streets: arterial, collector, and local. The details of which cities will have these projects are to be determined by the Permittees.
Avanzino, Marylou BASMAA, - Bicknell, J Bay Area Ridge Trail Council Brisbane Burlingame CCCWP Letter Chapman, Helen Guadalupe River Park & Gardens Heine, David Kangas, Chris Moraga Mountain View Mountain View, - Anderson, E San Jose Att A San Jose Attorney San Jose San Pablo San Pablo, - Samkian, K Santa Clara Co	C.3.b.i.(4)	Trails	Do not require stormwater treatment for impervious trails $\geq 10,000 \text{ ft}^2$ and $> 10 \text{ ft}$ wide or creekside because: <ul style="list-style-type: none"> • It is too costly to install pervious trails and provide necessary maintenance; therefore, new requirement will “kill” currently proposed trail projects, including projects to connect existing trails; • Impervious trails do not have pollutants because very few vehicles will be traveling on them so they should be judged by a different standard from roads; • Lack of trails will cause people to use more cars, resulting in more pollution; • It will be a disincentive to continue efforts to expand trails along creeks, which have improved trash conditions because people can see the trash now as they get greater access to the creeks. 	We concur that impervious trails do not translate directly to greater vehicular traffic and its associated pollutants. However, as with all roofs, the additional impervious surface from impervious trails do increase stormwater pollutants because of aerial deposition. Given that, we do recognize the greater benefit that impervious trails provide by encouraging less use of automobiles. Therefore, Provision C.3.b.i.(4) has been revised to remove the sized treatment requirement for impervious trails $> 10 \text{ ft}$ wide or creekside; however the impervious trails must be constructed to drain to adjacent vegetated areas, or other non-erodible permeable areas, preferably away from creeks and towards the outboard side of levees. Given that trails are commonly constructed in parks and open space areas with a great deal of vegetation, this site design requirement should be easily achievable and will provide some reduction in runoff pollutants and flow.	Provision C.3.b.i.(4) has been revised to remove the sized treatment requirement for impervious trails $> 10 \text{ ft}$ wide or creekside; however the impervious trails must be constructed to drain to adjacent vegetated areas, or other non-erodible permeable areas, preferably away from creeks and towards the outboard side of levees.

Summary Response to Comments – Provision C.3. New and Redevelopment Controls

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
SCVURPPP SCVURPPP Att A SF Bay Trail Project Silicon Valley Bike Coalition SMCWPPP Att 3 Smith, Bern van de Water, Cor Willow Glen Nghborhd Assoc					
CCCWP Danville	C.3.b.i.(5)	Road Expansion Projects	<ul style="list-style-type: none"> • Inclusion of road widening projects reverses the previously adopted C.3 rules, creating a disincentive for providing much needed pedestrian sidewalks, bike lanes, and medians to existing arterial roads. • Roadway widening or additional lanes are often required for safety, and funds are severely limited for these improvements. Application of stormwater treatment requirements to these projects would have a significant effect on municipalities' ability to execute these projects. It is typically not feasible to segregate drainage from new and old portions of the roadway, further complicating application of treatment controls to new portions. 	<p>The 10,000 ft² threshold for road expansion projects is consistent with what is already required in the Permittees' current stormwater permit which states that regulated projects include "any newly constructed paved surface used primarily for the transportation of automobiles, trucks, motorcycles, and other motorized vehicles." Any newly constructed paved surface includes new traffic lanes added during road widening projects. However, we have revised this provision to allow the widening of streets with sidewalks draining to adjacent landscaping, bike lanes, and medians without triggering treatment requirements</p>	<p>Provision C.3.b.i.(4) has been revised to exclude road widening projects that add sidewalks draining to adjacent landscaping, bike lanes, and medians. The language regarding road expansion projects has been deleted from Provision C.3.b.i.(5).</p>
Alameda Co ACCWP BASMAA - Bicknell, J Belmont Berkeley Att Table Berkeley Brisbane CCCEAC CCCWP Letter CCCWP	C.3.b.i.(5)	Road Rehabilitation Projects	<p>Do not require stormwater treatment for road rehabilitation projects in the same footprint because:</p> <ul style="list-style-type: none"> • Municipalities already lack sufficient funds to maintain roadway infrastructure; this will result in significant decreases in local road quality; • Right-of-way limitations and existing utilities prevent installation of treatment measures; • No flexibility or alternatives for these projects are provided in the MRP; 	<p>Based on the numerous comments received, we acknowledge the logistical difficulties in retrofitting roads with stormwater treatment systems as well as the funding challenges facing municipalities in the Bay Area. Therefore, we have removed the requirements of Provision C.3.b.i.(5). But we are aware that some cities have or will have funding for "green streets" retrofit projects that will provide water quality benefits as well as</p>	<p>We have replaced the road rehabilitation requirements of Provision C.3.b.i.(5) with a requirement for the completion of 10 pilot "green streets" projects by the Permittees within the first 4 years of the MRP.</p>

Summary Response to Comments – Provision C.3. New and Redevelopment Controls

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
Colma Concord Concord Mayor Cupertino Danville Dublin Fremont Hayward Livermore Local Streets & Rds Wrking Grp Martinez Menlo Park Monte Sereno Moraga Moraga Mayor Mountain View Mountain View, - Anderson, E Newark Oakland Oakley Orinda Pacifica Pittsburg Pleasanton San Jose Att A San Jose Attorney San Jose San Leandro San Mateo Co San Pablo San Pablo, - Samkian, K San Ramon Santa Clara City SCVURPPP Att A SCVURPPP - Olivier, A			<ul style="list-style-type: none"> • New right-of-way acquisitions may trigger environmental review; • Impervious surface is not increased so no additional pollution is generated; • New requirements will hamper future efforts to add "free right turn lanes" and "acceleration and deceleration lanes" for improved traffic movement, relieving traffic gridlock (which causes additional air pollution); • Typical street/traffic improvements will not be as feasible, increasing traffic delays causing increased stormwater pollutants from brake pad linings, fuel, oil and anti-freeze leaks, and from silt and broken pavement debris; • This may require new storm drain systems where none currently exist. • Re-grading the roads to divert water toward the medians instead of the storm drain could result in interference with other utilities. 	<p>meet broader community goals such as fostering unique and attractive streetscapes that protect and enhance neighborhood livability, serving to enhance pedestrian and bike access, and encouraging the planting of landscapes and vegetation that contributes to reductions in global warming. We have replaced the road rehabilitation requirements in Provision C.3.b.i.(5) with a requirement for the completion of 10 pilot "green streets" projects by the Permittees within the first 4 years of the MRP.</p>	<p>These projects must incorporate LID techniques pursuant to Provision C.3.c. and stormwater treatment pursuant to Provision C.3.d. Because these are pilot projects, we have not specified a minimum or maximum size requirement nor an even distribution of projects throughout the Permittees' service areas. The only requirement is that the projects should be representative of the three different types of streets: arterial, collector, and local. The details of which cities will have these projects are to be determined by the Permittees.</p>

Summary Response to Comments – Provision C.3. New and Redevelopment Controls

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
SMCWPPP Att 3 S. San Francisco Sunnyvale Att A Walnut Creek					
Burlingame Brisbane SMCWPPP Att 3	C.3.b.iii.	Regulated Projects Reporting	The data collection and reporting requirements for Regulated Projects should be minimized to lessen the administrative burden.	The data collection and reporting requirements for Regulated Projects are consistent with what is already being reported by most Permittees under their current stormwater permits.	None
Moraga Oakley	C.3.b.iii.	Regulated Projects Reporting	<p>This provision requires a number of data items that are do not seem relevant or necessary and will require the restructuring of databases already in use. Items that do not seem to add anything to the report but volume and are contained in the final approved Stormwater Control Plan which are to be part of the permanent file are:</p> <ul style="list-style-type: none"> • Developer's name • Phase number • Source control measures • Site design measures • Hydraulic Design criteria, • Reviewing agency 	<p>The Developer's name is important because we use the information along with construction inspection data to identify exemplary as well as problem developers who may benefit from outreach or require enforcement actions on a region-wide basis.</p> <p>Since many subdivisions are built in numerous phases over many years, the phase number is important to distinguish the phases as distinct separate projects built over time.</p> <p>Source control and site design measures are required in Provision C.3.c. and treatment systems are required to meet hydraulic design criteria specified in Provision C.3.d.; therefore all this information must be reported for each project so that we may determine compliance with these Provisions.</p> <p>We agree that the reviewing agency is an element that need not be reported.</p>	The requirement to report the reviewing entity has been deleted from Provision C.3.b.v.(1)(k).
NRDC	C.3.c.i.(2)	LID Site Design	EPA strongly recommends in its Measurable Goals Guidance for Phase II Small MS4s that measurable goals include a "quantifiable target to measure progress toward achieving the activity or BMP." The MRP's site design requirements do not contain recommended or	We concur that the site design requirements should be more specific. Revisions have been made to make site design requirements more specific	Provision C.3.c.i.(2) has been revised to require each Regulated Project to implement at least one site design measure

Summary Response to Comments – Provision C.3. New and Redevelopment Controls

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
			required activities, measurable goals, a means to assess BMP performance, progress, or achievement of purpose. The vaguely worded provision does not satisfy EPA regulations and guidance and are thus invalid under the Clean Water Act.		from a list of six specific options.
NRDC	C.3.c.i.(2)-(3)	LID Site Design & Stormwater Treatment	The MRP's site design requirements are less specific than the South Orange County draft MS4 permit, which was recently rejected by the San Diego Water Board after the Executive Officer stated that he doubted whether the permit would meet the MEP standard. Yet, that draft permit contained more detailed and specific site design BMPs than the MRP. US EPA Region 9's comments on the South Orange County draft permit recommended that the permit be revised to include LID provisions similar to those contained in the draft Ventura County permit, especially the Effective Impervious Area (EIA) limitation.	We concur that the site design and treatment requirements should be more specific and have made appropriate revisions. However, we have not included an EIA limitation similar to the Region 4 WaterBoard Ventura County permit Tentative Order, because it would be difficult to implement effectively, and requires a separate approach for the dense urban environment. Given the variety of site conditions and constraints in the Bay Area and particularly the increased emphasis on urban redevelopment and compact building practices, we feel it necessary to preserve flexibility in selection of treatment measures. Applying an EIA limitation would force all development projects to install landscape-based treatment measures and in some cases, this is not feasible because of physical constraints or limited space. From our experience in reviewing development projects that apply for 401 certification, it seems most projects can readily include landscaped-based treatment measures for at least 50% or more of the total Provision C.3.d. specified runoff. Therefore, the revised TO includes specific notification requirements for any project that proposes to install vault-based treatment systems to provide primary treatment for 10-50% of the total Provision C.3.d.	Provision C.3.c.i.(2) has been revised to require each Regulated Project to implement at least one site design measure from a list of six specific options. Each Regulated Project must also consider and install treatment measures following a specified hierarchy so that as much stormwater runoff as possible is addressed through recycling and landscaped-based measures before vault-based measures can be considered. The revised TO requires any project proposing to install vault-based treatment for more than 50% of the total Provision C.3.d. specified runoff to obtain the Water Board EO's approval. Also, Permittees must notify the Water Board Executive Officer of
US EPA Region 9	C.3.c.i.(2)(d) & (e)	LID Site Design Requirements	The one concern we have with the LID requirements of the proposed permit is Part C.3.c.i.(2)(d) which requires "a portion" of impervious areas to be drained to a pervious area, and Part C.3.c.i.(2)(e) which similarly requires for walkways and trails, etc. that "a portion" of such areas be constructed with permeable surfaces. To ensure adequate enforceability and clarity of the permit, we believe the permit needs to include a numeric value for the quantity of runoff which would be directed to pervious areas. We would suggest a requirement such as proposed in the August 2007 draft Ventura County MS4 permit which limits the effective impervious area of new developments to 5% of the total area of a project (see Part E.III.1.(a) of the draft Ventura		

Summary Response to Comments – Provision C.3. New and Redevelopment Controls

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
			County permit). We are not wedded to any particular numeric value; this could be determined based on local considerations, but we believe the requirements should be expressed quantitatively to ensure clarity and enforceability.	specified runoff and Water Board EO approval requirements for any project proposing to install vault-based treatment for more than 50% of the total Provision C.3.d. specified runoff. Water Board Executive Officer approval of projects will ensure that vault-based systems are installed only at sites with site constraints that make landscaped-based measures truly infeasible. The notification requirements will identify cities that we may need to work more closely with to ensure that LID practices are implemented appropriately and to the full extent practicable.	any projects that propose to install vault-based treatment systems to provide primary treatment for 10-50% of the total Provision C.3.d. prior to granting approval to the project.
SCVURPPP Att SCVWD	C.3.d.iv.	Numeric Sizing Criteria <i>Infiltration Devices</i>	Because of the concern for protection of groundwater quality in the Santa Clara Basin, we recommend that the MRP clearly define “infiltration devices” in order to distinguish them from other infiltration measures that are desirable site design and treatment features, and recognize that specific infiltration devices, such as dry wells, may have greater potential impacts to groundwater quality than others.	<ul style="list-style-type: none"> • We agree that a definition of “infiltration devices” is needed. • We think the 100 foot setback from water supply wells is adequate given that there is language in the Provision requiring greater setbacks if warranted. • We concur that there should be setbacks specified for underground storage tanks as well as septic tanks. • We concur that there should be restrictions on the use of infiltration devices at sites with known groundwater contamination. 	A definition of infiltration devices has been included in Provision C.3.d.iv. Provision C.3.d.iv. has also been revised to include setback requirements for underground storage tanks and septic tanks.
SCVWD	C.3.d.iv.	Numeric Sizing Criteria <i>Infiltration Devices</i>	Stormwater management actions that include recharge to groundwater should ensure adequate protection of groundwater. The following issues should be addressed: <ul style="list-style-type: none"> • The MRP sets a uniform 100 foot setback from water supply wells for infiltration devices. Conditions may exist that require even further setbacks to be implemented. • Consider setbacks from Underground Storage Tanks (USTs) and septic tanks to avoid the leaching of contaminants into groundwater from these potential sources. • Place restrictions on infiltration projects on or near sites with known contamination of 		

Summary Response to Comments – Provision C.3. New and Redevelopment Controls

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
			groundwater or soils.		
NRDC	C.3.e.i.	Alternative Compliance	<p>What qualifies as "alternative compliance," is vague and lacks performance standards. Infill projects < 1 acre and redevelopment projects could avoid installing onsite stormwater BMPs by providing "equivalent offsite treatment" or contributing "equivalent funds" to a "Regional Project." These options do not clearly state the required performance level. Alternative compliance projects may not be as effective at mitigating stormwater runoff and pollution since the Water Board does not maintain any oversight of project implementation and Regional Projects do not need to be completed until 3 years after construction of the exempted development and may pollute for 3 years without any mitigation. The Water Board and the public would have no means to judge whether the offsite mitigation projects performed adequately until 3 years after the development has been build. These loopholes do not constitute pollution reduction to the MEP.</p>	<p>Alternative compliance is a necessary option because there are projects where onsite treatment is just not feasible because of existing underground utilities, right-of-way constraints, and limited space. All offsite projects installed as alternative compliance are required to meet the same hydraulic sizing criteria (Provision C.3.d.) that onsite projects do. We have expanded operation and maintenance requirements to all offsite projects installed as alternative compliance.</p> <p>A longer timeframe for construction of Regional Projects is necessary because some beneficial projects require longer timeframes to plan, obtain funding from various sources, and construct.</p>	<p>Provision C.3.h. (Operation and Maintenance Requirements) has been revised to specifically apply to all offsite projects installed as alternative compliance.</p>
HBA - Foley-Gannon, E SCVURPPP Att A CCCWP	C.3.e.i.(1)-(2)	Alternative Compliance Restrictions	<p>The alternative compliance option should not be limited to new infill development projects < 1 acre and redevelopment projects only but should be available to all Regulated Projects because:</p> <ul style="list-style-type: none"> • The restriction is unneeded to ensure onsite treatment is used in nearly all projects, and unnecessarily restricts the use of alternative compliance in rare instances where it is needed. • Most projects will use onsite treatment because it is less expensive and the quickest route to development project approval. • There may be some projects for which it is necessary or preferable to use alternative 	<p>The alternative compliance option is intended primarily for redevelopment projects. In keeping with LID concepts, we expect new development projects to install mostly landscaped-based treatment measures and to allocate the appropriate space for them because they do not have the site limitations of redevelopment. However, we acknowledge that new infill development in urban cores may have the same site constraints as redevelopment projects; therefore, we have removed the 1 acre cap on infill projects allowed alternative compliance and incorporated the definition of infill site proposed by</p>	<p>Provision C.3.e.i. has been revised to incorporate HBA's definition of infill site and to allow alternative compliance for all infill sites.</p>

Summary Response to Comments – Provision C.3. New and Redevelopment Controls

File	Provision No.^a	Key Word(s)	Comment	Response	Proposed MRP Revision^b
			compliance, and not all of these projects are limited to infill projects smaller than 1 acre or redevelopment projects.	HBA.	
NRDC	C.3.e.i.(3)	Alternative Compliance <i>Brownfields</i> <i>Transit-Oriented Development & Low-income Housing</i>	This section allows brownfields, low-income and senior housing, and transit-oriented developments to avoid hydraulic sizing criteria by "maximizing site design treatment controls." This means that these projects would only have to implement at least one of four vaguely defined "site design and/or treatment measures" that are not required to meet any performance standards. As for the LID provisions, there is no way to ensure that any of these alternative compliance options would be effective at reducing stormwater runoff and pollution. By explicitly waiving hydraulic sizing criteria, this section is almost certain to result in less than the federally mandated MEP standard of pollutant reduction. Yet there is nothing in the record to indicate why these particular projects should not have to comply with otherwise applicable federal law. Exemptions from BMP requirements should be granted only where compliance is truly infeasible and where alternative compliance can be proven effective.	The allowance of subsidized Brownfields, low-income housing and transit-oriented developments to maximize site design measures in lieu of installing hydraulically-sized treatment systems was included as an incentive in recognition of other water quality as well as societal benefits from these projects. For example, high-density infill, transit-oriented development projects in a highly developed urban core can reduce overall runoff pollutants by reducing overall vehicular traffic and associated pollutants and by concentrating growth in urban areas to reduce sprawl in outlying areas. Traffic commutes can be shortened and pedestrian activity increased when more people live in close proximity to mass transit systems, thus reducing automotive exhaust pollutants in stormwater runoff.	None
Mountain View San Jose San Jose Att A San Leandro	C.3.e.i.(3)(d)	Alternative Compliance <i>Transit-Oriented Development</i>	<ul style="list-style-type: none"> • The TOD definition does not correlate with the definition employed by municipalities • Delete the reference to one parking space per residential unit • Replace the one parking space per residential unit with 1.5 because there is very little market for residential units with only one parking space. 	We worked closely with the Metropolitan Transportation Commission (MTC) to develop the TOD definition. The allowance of TODs to forego the hydraulic sizing criteria for stormwater treatment is a major regulatory incentive and must be limited to developments that are taking steps to reduce vehicular use in a significant way and associated pollutants; therefore, a limitation of one parking space per residential unit is appropriate.	Provision C.3.e.i.(1)(d) has been revised to include a maximum for visitor parking equal to 10% of the total number of residential parking spaces and a clarification that handicapped parking spaces are not subject to the parking

Summary Response to Comments – Provision C.3. New and Redevelopment Controls

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
				We met with MTC to discuss the comments received and at their request, we have added visitor parking restrictions to the TOD definition as well as included a statement that handicapped parking spaces are not subject to the parking maximums.	maximums.
Daly City SCVURPPP Att A	C.3.e.i.(4)	Alternative Compliance <i>Offsite Projects Due Date</i>	<p>Do not require offsite alternative compliance projects to be completed by the end of construction of the Regulated Projects:</p> <ul style="list-style-type: none"> • It is difficult to control construction schedules and the offsite treatment facility may require a longer construction timeline than the Regulated Project. • Provide flexibility to allow applicants to sign agreements that they will work toward completion and have final Certificate of Occupancy of the Regulated Project tied to completion of the offsite facility to demonstrate compliance. • Allow offsite projects to be completed within 2-3 years after construction of the Regulated Projects. 	<p>We agree that a longer timeframe may be required for construction of offsite projects and a maximum construction time of 3 years after the construction of the Regulated Project can be allowed. However, to offset the untreated stormwater runoff from the Regulated Project that occurs while construction of the offsite project is taking place, the offsite project must be sized to treat an additional 10% of runoff for each year that it is delayed.</p>	Provision C.3.e.i.(2) has been revised to allow the extra time for construction of the offsite project.
CCCWP	C.3.e.i.(4)	Alternative Compliance <i>Regional Projects Due Date</i>	<p>Three years may not be long enough to fund, permit, and build a Regional Project. The Permittees must have the option of supporting long-range planning and orderly development of public infrastructure, as reflected in their master plans. Therefore, the following should be added to the last sentence in this section: “however, the timeline for a Regional Project may be extended with Regional Board approval if the project is consistent with a Discharger’s adopted drainage master plan or similar plan.”</p>	<p>We agree that a longer timeframe may be required for Regional Projects; however, we think a maximum construction time of 5 years is adequate.</p>	Provision C.3.e.i.(2) has been revised to allow up to 5 years for the construction of Regional Projects, subject to Water Board Executive Officer approval.
SMCWPPP Att 3	C.3.e.i.(4)	Alternative Compliance	The 3-year time requirement for constructing Regional Projects may prevent the		

Summary Response to Comments – Provision C.3. New and Redevelopment Controls

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
		<i>Regional Projects Due Date</i>	implementation of some beneficial projects that require longer time horizons to plan and construct. The permit should state that the 3-year period is encouraged, but longer time periods, up to 10 years, may be allowed.		
SCVURPPP SCVURPPP Att A Sunnyvale Att A	C.3.e.iii.(1)	Alternative Compliance <i>Existing Programs</i>	In implementing Santa Clara Program's 2001 NPDES stormwater permit, several Santa Clara County Permittees adopted Alternative Compliance programs after substantial dialogue with the Water Board Executive Officer and staff, and public noticing and hearing procedures before their respective city Councils. The MRP should be consistent with these already adopted programs and/or allow for their ongoing implementation under the MRP. No basis has been provided for invalidating established programs and this change provides no water quality benefit. We do not expect that alternative compliance will be a common technique but it is an important tool for some projects. We request that this provision allow existing alternative compliance programs to remain in effect.	The current Alternative Compliance Programs adopted by some of the Santa Clara municipalities are less stringent than what is proposed in the MRP. At the time they were approved by the Water Board's Executive Officer, it was understood that these programs would have to be revised to be in conformance with this Provision of the MRP. Alternative Compliance Programs should be consistent throughout the areas regulated by the MRP; otherwise, it would be unfair for Regulated Projects in one city to be exempted from treatment or allowed alternative compliance while identical Regulated Projects in a neighboring city are not. The existing programs must be rescinded or revised to be consistent with Provision C.3.e.	None
CCCWP	C.3.h.i.	Operation and Maintenance "Safe Harbor" Language	Add the following language from the existing stormwater permits to protect the Permittees from regulatory liability in the event State or federal agencies effectively prohibit them from conducting maintenance on treatment facilities: "The Dischargers are expected to work diligently and in good faith with the appropriate state and federal agencies to obtain any approvals necessary to complete maintenance activities for stormwater treatment measures. If the Dischargers have done so, and maintenance approvals are not granted, where necessary, the Dischargers	We agree.	Provision C.3.h.i. has been revised to add the "safe harbor" language.

Summary Response to Comments – Provision C.3. New and Redevelopment Controls

File	Provision No.^a	Key Word(s)	Comment	Response	Proposed MRP Revision^b
			shall be deemed by the Regional Board to be in compliance with this Provision."		
Brisbane SCVURPPP Att A SMCWPPP Att 3	C.3.h.ii.(5), iii.(1) and iii.(3)	Operation and Maintenance <i>Reporting</i>	The reporting requirements for BMP O&M inspections are excessive. Submittal of a summary of the total number and types of BMPs inspected and categories of problems found should be sufficient to evaluate a Permittee's inspection program, and detailed records can be kept locally for review upon request.	This Provision and the associated Reporting Table C.3.h. requires only standard information that should be collected on each operation and maintenance inspection. We require this type of information to evaluate a Permittee's inspection and enforcement program and to determine compliance with the Permit. Summary data alone without facility-specific inspection findings does not allow us to determine whether Permittees are doing timely follow-up inspections at problematic facilities and taking appropriate enforcement actions.	None
Brisbane SCVURPPP Att A SMCWPPP Att 3	C.3.h.ii.(6)	Operation and Maintenance <i>Inspection Frequency</i>	The current permit requires Permittees to "inspect a subset of prioritized treatment measures for appropriate O&M, on an annual basis." What is the basis for significantly increasing the required level of effort, specifically that the number of inspections be a minimum of 20% of the total number (or all BMPs within 5 years)? As the number of installed BMPs increases over time, this will be an increasing burden to municipalities. In addition, what is the basis for a separate requirement for inspecting 20% of installed vault-based or proprietary systems? The process for prioritizing BMPs for inspection involves a consideration of many factors, including type of maintenance agreement, whether the owner is using a contractor to maintain the BMP, maintenance history, etc. The permit should continue to allow municipalities the flexibility on the types of BMPs inspected and the exact number of treatment controls inspected in a given year	Requiring Permittees to inspect at least 20% of the installed stormwater treatment systems and HM controls ensures that they are inspected at least once every 5 years and all the inspections will not take place in the 5 th year. This requirement serves to prevent failed or improperly maintained systems from going undetected until the 5 th year. We have the additional requirement to inspect at least 20% of all installed vault-based systems because they require more frequent maintenance and problems arise when the appropriate maintenance schedules are not followed. Also, problems with vault systems may not be as readily identified by the projects' regular maintenance crews. Neither of these inspection frequency requirements interferes with the Permittees' current ability to prioritize their inspections based on the factors listed in the comments.	None

Summary Response to Comments – Provision C.3. New and Redevelopment Controls

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
			provided that the municipality has an effective program.		
Brisbane SCVURPPP Att A SMCWPPP Att 3	C.3.h.iii. Attach L Table C.3.h.	Operation and Maintenance Reporting	<p><u>Facility/Site Inspected and Responsible Party for Maintenance</u>- The name of the responsible party is not needed to determine compliance or the effectiveness of an operation and maintenance verification program. It is mainly used to correspond with the responsible operator regarding inspection results.</p> <p><u>Compliance Status</u> - Reporting O&M inspection results is a better approach to indicate compliance because it shows if a treatment BMP is working as designed and maintained and municipalities have the ability to learn what inspection results are common to certain BMPs, determine the performance or effectiveness of a specific BMP, and measure a change in results over time.</p> <p><u>Page L-28 - Request for Compliance Rates</u>- Since any problem with a treatment BMP suggests non-compliance, providing compliance rates of the O&M verification program and specific stormwater treatment systems is not the best way to indicate BMP performance. A better approach to determine BMP performance and/or effectiveness is to report BMP O&M inspection results.</p>	<p>This Provision and the associated Reporting Table C.3.h. requires specific information on each operation and maintenance inspection and the responsible party for operation and maintenance is just standard information that is collected at each and every inspection. If the information is not collected, then who would the Permittee hold responsible for the treatment system?</p> <p>We concur with the comments regarding compliance status and rates and appropriate revisions have been made.</p>	<p>Provision C.3.h.iv. has been revised and the references to compliance status have been changed to inspection findings or results. We have also removed the requirement for calculating compliance rates.</p>
NRDC	C.3.i.i.	Detached Single-Family Homes <i>Threshold for Requirements</i>	The threshold of 5000 ft ² for requiring site design measures at single-family homes is too high because few homes qualify (to be regulated) under this provision. Therefore, the threshold is effectively meaningless, even though it would be feasible to implement LID at much smaller home sites.	We concur.	Provision C.3.i.i.'s threshold of applicability for single-family homes has been lowered from 5000 ft ² to 2500 ft ² .
Giberson	C.3.i.i.	Detached Single-Family Homes <i>Strengthen</i>	<ul style="list-style-type: none"> Mandatory implementation of only one of the listed stormwater lot-scale BMPs leaves a great deal of potential runoff unregulated. Regulation should, at a minimum, require all 	Site conditions may limit the number of site design measures that can be installed at a project so it would not be practicable to require implementation of all the listed	None

Summary Response to Comments – Provision C.3. New and Redevelopment Controls

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
		Requirements	<p>listed BMPs.</p> <ul style="list-style-type: none"> • Pervious concrete or pavers eventually become clogged, making this mitigation ineffective in the long term; • The MRP should give direction as to acceptable minimum distance(s) from the roof runoff or paved surface discharge point to the edge of the property, as a greater distance gives more protection from runoff. • Some cities are mostly single-family residential (e.g., Saratoga, Monte Sereno) with typically large residences of > 10,000 ft² being constructed. The exclusion in the MRP of these projects from treatment and HM requirements will result in large areas with significant streams significantly impacted by flows from these large projects, which contain untreated contaminants. 	<p>BMPs.</p> <p>The purpose of the development of lot-scale measures by the Permittees is to provide guidelines to small projects and single-family homes for selecting and installing correctly the appropriate site design and treatment measures, including recommended design specifications.</p> <p>Requiring treatment and HM controls for detached single-family homes would impose additional requirements on municipalities with resource limitations already, particularly since homeowners will need more guidance from municipal staff. At this time, we consider requiring site design measures that reduce both runoff pollutants and flow if adequate.</p>	
Giberson	C.3.i.v.	Detached Single-Family Homes Countywide or Regional Standards	Allowing Permittees to cooperatively develop countywide or regional standard specifications for lot-scale BMPs ignores the problems that exist where multi-jurisdictional groups, such as the Santa Clara Valley Water Resources Protection Collaborative, have promulgated standards for dealing with development affecting local waters, but the Permittees have not adopted these standards as mandatory.	The purpose of the development of lot-scale measures by the Permittees is to provide guidelines to small projects and single-family homes for selecting and installing correctly the appropriate site design measures and/or treatment measures to satisfy the requirements of this Provision. We expect that any guidelines cooperatively developed by the Permittees will also be adopted by them for implementation.	None
ACCWP ACCWP Att 2 BASMAA, - Bicknell, J Berkeley Berkeley Att Table Brisbane Burlingame CCCP Letter	C.3.j.i.	Impervious Surface Data for Small Projects	<p>Do not require pilot study to collect impervious surface data for 1000 - 10,000 ft² projects because:</p> <ul style="list-style-type: none"> • Data collection will be labor intensive, create an additional tracking/reporting burden, provide no water quality improvement benefit, and serve little useful purpose; • Board staff's analysis of the impervious surface data for those municipalities that 	Based on the limited data that was provided to us by the cities that collect this information already, small projects contribute from <1% to 73% of the total impervious surface area added or replaced. Because many of these projects were single-family home projects, the December Tentative Order included Provision C.3.i., which required	Provision C.3.j. has been deleted and Provision C.3.i. has been expanded to apply to all small projects creating and/or adding 2500 ft ² to < 10,000 ft ² of impervious surface

Summary Response to Comments – Provision C.3. New and Redevelopment Controls

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
CCCWP Concord Contra Costa Co - Supervisors Monte Sereno Newark SCVURPPP Att A SMCWPPP Att 3 Sunnyvale, - McCumby, Hyland K			<p>collected it, concluded that projects with < 10,000 ft² of impervious surface accounted for less than 1% of the total land development. It is a waste of scarce public resources to expend a disproportionate amount of effort into capturing the last 1% of total development.</p> <ul style="list-style-type: none"> • This is another example of a “paper program” that will provide no water quality benefit and will further exasperate limited municipal staff resources; • Board staff has not sufficiently explained how the data will be used to determine regulatory thresholds in the future. <p>Board staff should remove this requirement, and instead, provide grant funds for someone to study the costs of C.3. compliance for small sites to determine if in fact the current thresholds are practicable</p>	<p>appropriate site design measures for any single-family home project creating and/or replacing ≥ 5000 ft² of impervious surface. In response to the Permittees' concerns about the administrative burden of collecting impervious surface data for small projects and in line with the past data collected and our emphasis on LID techniques and goals, we feel it appropriate to extend the site design requirements of Provision C.3.i. to all small projects that create and/or replace 2500 ft² to <10,000 ft² and lower the applicability of this Provision to single-family homes adding and/or replacing ≥ 2500 ft² of impervious surface area as well.</p>	<p>and single-family homes creating or adding 2500 ft² or more of impervious surface. Provision C.3.i. has also been revised such that the list of site design measures contains more options for projects to choose from. For consistency, this same list is identical to the one contained in Provision C.3.c.i.(2) and C.3.e.(1) - Footnote #6.</p>

^a Refers to Provision Numbers contained in the Municipal Regional Stormwater Permit (MRP) Tentative Order dated December 14, 2007.

^b Provision Numbers referenced are found in the Municipal Regional Stormwater Permit (MRP) revised Tentative Order dated February 11, 2009.

Summary Response to Comments – Provision C.4. Industrial and Commercial Site Controls

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
Hayward CC Central Sanitary Contra Costa County Contra Costa Engineering Advisory Comm. CCWP Daly City South SF Berkeley San Jose Fairfield Suisun SD Oakley Martinez San Jose Attorney Milpitas SCVURPPP Attorney	C.4.b.i	Permittees Should Not Be Required to Inspect NOI Facilities	<p>Section C4b.i requires Permittees to inspect "Industrial facilities, as defined at 40 CFR 122.26 (b)(14)". These are NOI facilities permitted by the State. The State receives a fee to inspect these and should continue to do the inspections. Municipal staff does not have the expertise or resources to inspect industrial facilities. The inspections required by C.4.b.i may be duplicative of inspections that numerous other agencies are already mandated to conduct regularly, including environmental inspections (Dept. of Toxic Substances Control, Regional Water Quality Control Boards, Air Quality Management Districts) and public safety inspections (Fire Districts, Health Department).</p>	<p>The Permittees have a regulatory responsibility to inspect and obtain compliance by industrial and commercial sites with local storm water and urban runoff ordinances, regardless of the sites status with regard to the General Statewide Industrial Stormwater Permit. Please see the Fact Sheet and 40 CFR 122.26 references. The Regional Board has the responsibility to inspect and obtain compliance by facilities discharging storm water associated with industrial activity covered under the statewide General Industrial Stormwater Permit. The regulations call for this redundancy or overlap of jurisdictions for industrial and commercial site stormwater inspection and control. The Regional Board staff has always worked with the Permittees in partnership to obtain compliance by these sites. With inspections conducted by Permittees, many can be inspected to determine if their site poses a threat to water quality. The Regional Board can assist with those sites that are not in compliance and resistant to escalated regulatory response by the Permittees, to ensure that water quality problems are addressed. Inspections conducted by other public agencies</p>	No changes made.

Summary Response to Comments – Provision C.4. Industrial and Commercial Site Controls

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
				do not remove the permittees' responsibility to insure compliance with local ordinances and the municipal stormwater permit requirements. Opportunities for collaboration with other agencies, both local and State, for efficiency are currently being implemented by many Permittees currently.	
CC Central San Daly City CCCWP SCVURPPP Alameda City Palo Alto San Jose Attorney South SF Sunnyvale	C.4.b.ii.(1)c	Mobile Sources	Under the structure of the MRP, mobile sources are treated as independent operations that would require individual oversight by each permittee. Mobile business operations may not generate water quality impacts at their home base and often operate on a regional scale with activities occurring in multiple jurisdictions is also problematic and impractical to try to locate active	The section on mobile businesses has been modified and moved to Section C.5 Illicit Discharge Control. Permittees are not required to inspect all mobile businesses within their jurisdiction. Under the revised requirements, permittees will develop a program to reduce discharges from mobile businesses to the MEP. The program will include	The provisions for mobile sources have been moved to C5. Permittees are no longer required to inspect all mobile sources under C.4. The new requirements include development of

Summary Response to Comments – Provision C.4. Industrial and Commercial Site Controls

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
San Jose Mountain View			operations of many mobile business types.	development of BMPs for various types of mobile businesses, the development of enforcement strategy that targets the unique characteristics of mobile businesses, conduct outreach and education targeted to mobile businesses, and conduct inspections of mobile businesses as needed.	BMPs, outreach and education targeted to mobile businesses, and inspections as needed.
Berkeley South SF Daly City Berkeley ACCWP Newark Hayward CC Central San SCVURPPP CCCWP	C.4.b.ii.(1)	<i>Mandating Inspection Frequency on Business Type Too Prescriptive</i>	The required inspection frequency for particular categories of industrial and commercial facilities is too prescriptive and is not appropriate. If inspection frequencies are arbitrarily set, inspection resources are unnecessarily directed to conduct fieldwork that does not contribute to protecting water quality. The MRP should not be used to establish minimum across the board inspection frequencies. Agencies must have flexibility to allocate resources and prioritize inspection frequencies based on the individual characteristics and operational parameters specific to each commercial or industrial business.	Under the proposed requirements, permittees have the flexibility to classify industrial and commercial facilities within their jurisdiction as high, medium, low priority, or no exposure based on their knowledge of the characteristics of the facilities and the MS4 system. The Permittees' classification of an industrial and commercial facility will determine the inspection frequency.	The permit language has been modified. The inspection frequency will be determined by the permittees on the basis of the industrial or commercial site's potential for water quality impact.
CC Central San San Leandro San Jose San Jose Attorney SCVURPPP Sunnyvale Daly City	C.4.c(iii)	Reporting and Recordkeeping Overly Burdensome	Reporting for the annual report is being greatly expanded to include too much detail on enforcement actions and violation histories. Would result in the reporting of inspections for thousands of facilities, in detail, each year, for just this	Reporting requirements have been significantly reduced in the proposed requirements. Permittees are required to maintain detailed inspection records and a tracking database, although the information	The reporting requirements have been reduced to summary tables and statistics showing the results of the inspection

Summary Response to Comments – Provision C.4. Industrial and Commercial Site Controls

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
			program element with no demonstrable water quality benefit.	will be reported in summary form in the annual report. The inspection records and tracking database shall be supplied to the Water Board upon request to verify compliance with the permit inspection requirements and the Permittees' Enforcement Response Plan.	activities and follow-up. Permittees will keep complete inspection records in a database for review by Water Board staff upon request.
SFBaykeeper ACCWP Attorney San Jose Attorney	C.4.b	Facility Inspection Requirements Unclear	Provision C.4.b.ii. does not clearly state whether every business that falls into the listed categories must be inspected or whether only businesses in those categories that could reasonably cause or contribute to a violation of water quality standards should be inspected.	The language in the permit has been revised. Each permittee shall inspect all commercial and industrial facilities that reasonably contribute to the pollution of stormwater runoff. The frequency of inspection shall be determined at the permittees discretion.	Only businesses that could reasonably cause stormwater runoff pollution, illicit discharge or contribute to a violation of receiving water quality standards should be inspected. Permittees use best professional judgment to prioritize facilities as high, medium, and low potential threat.
SF Baykeeper NRDC Clean Water Action	C.4.b	Require Specific BMP Implementation at Industrial and Commercial Sites	As compared to previous MS4 permits issued by this Regional Board, this draft Permit makes progress towards eliminating vagueness and limiting permittee discretion. Many sections, however, still need substantial	We are using an approach based on outcomes. The permittees are required to develop an enforcement response plan which will detail appropriate responses and enforcement actions. Instead of	No changes made

Summary Response to Comments – Provision C.4. Industrial and Commercial Site Controls

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
			<p>improvements. Specifically, we strongly recommend the use of BMP menus as the Los Angeles Regional Water Quality Control Board (“LA Regional Board”) has done in the draft Ventura permit. For example, the commercial and industrial inspection provisions of the draft Ventura permit require that inspections ensure implementation of at least seven specific BMPs at restaurants, ten BMPs at retail gasoline outlets, and ten BMPs at automotive service facilities.</p>	<p>specifying specific BMPs, we have included a performance standard for violation correction. All violations must be corrected in a timely manner with the goal of correcting them before the next rain event but no longer than 10 business days after the violations are discovered.</p>	
CCCWP San Leandro Daly City South SF SCVURPPP Attorney	C.4.c(ii)	3 Year Window Too Specific and Violates State Law	<p>Maintaining a three year rolling window for repeat offenses is too prescriptive and inappropriate. There is no justifiable need to create this over burdensome and complicated system for tracking and reporting across this multiyear timeframe. These provisions also mandate prescriptive and inflexible enforcement procedures, which are in conflict with state law. For example, Water Board staff is requiring a 3-year rolling window for progressive enforcement. State law only allows such action for a period of one-year.</p>	<p>The requirement for 3 year rolling window for progressive enforcement has been removed from the permit.</p>	<p>The 3 year rolling window for progressive enforcement requirement has been removed.</p>

Summary Response to Comments – Provision C.4. Industrial and Commercial Site Controls

^a Refers to Provision Numbers contained in the Municipal Regional Stormwater Permit (MRP) Tentative Order dated December 14, 2007.

^b Provision Numbers referenced are found in the Municipal Regional Stormwater Permit (MRP) revised Tentative Order dated February 11, 2009

Summary Response to Comments – Provision C.5. Illicit Discharge Detection and Elimination

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
SCVURPPP Burlingame Milpitas Millbrae Daly City Mountain View Brisbane SMCWPPP	C.5.d	Publicly Available MS4 Maps are a Potential Homeland Security Risk	The Regional Permit requires the City to make storm sewer maps available to the public either electronically or in hard copy. For homeland security reasons, the City is concerned about publishing detailed infrastructure maps. Has the Regional Water Board evaluated the requirement to make storm sewer maps publicly available for potential conflicts with Federal Homeland Security regulations? We request that the Water Board consult with Homeland Security before requiring that this sensitive map information be made available to the public.	Storm drain maps were a regulatory requirement for the initial Phase I NPDES permit application per 40 CFR 122.26. We have not yet contacted the Department of Homeland Security on this issue. Citizens may need to know where drainage paths go if they observe or report a spill or other problem. There are already numerous published sources of storm drain maps available from municipal programs and the San Francisco Estuary Institute. We are asking that each Permittee have a contact to provide this information. The contact could provide some judgment on the security risk associated with any particular inquiry, or add extra scrutiny steps around certain facilities that are sensitive.	None.
ACCWP Contra Costa County SCVURPPP Daly City CCCWP San Jose Attorney Brisbane SMCWPPP	C.5.b.i	Extend Time for Legal Authority Establishment	The County's ability to effectively combat illegal dumping is severely compromised by our limited legal authority under various State laws. It is extremely important to analyze what additional legal authorities, including changes to State law, the County would be required to develop in order to comply with various C.5 Provisions related to identifying parties responsible for illegal dumping and litter violations and either citing/fining them or recovering clean-up costs from them.	Under Federal NPDES regulations 40 CFR 122.26(d)(2)(i)(B) municipalities are required to have adequate enforcement authority to prohibit illicit discharges. Since at least 1999, San Francisco Bay Area counties have had prohibitions in their stormwater management plans to prevent and eliminate illicit discharges. Permittees should have the legal authority in place, or may be declaring that they are in non-compliance with this long standing regulatory requirement.	Date for implementation of legal authority has been removed from the permit.

Summary Response to Comments – Provision C.5. Illicit Discharge Detection and Elimination

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
SCVURPPP Burlingame Milpitas Millbrae Fairfield Suisun SD San Jose Attorney Brisbane SMCC\WPPP	C.5.d.	Collection System Screening Frequency Arbitrary and Excessive	<p>The requirement appears to be well in excess of the federal regulation which only requires identification, rather than mapping, of the locations of major outfalls and major structural controls. The fact sheet does not provide the technical basis for why municipalities need to survey strategic collection system check points at a density of one screening point per square mile. It is unnecessary to specify the minimum number of checkpoints if municipal staff is trained to check for illicit discharges while performing other routine maintenance activities.</p>	<p>The Federal Regulations required NPDES Municipal Phase I permit applicants to include much more comprehensive screening in their initial NPDES Permit application than is contained in the Revised TO, (See Fact Sheet and 40 CFR 122.26) including results of a field screening analysis for illicit connections that includes, at a minimum, a description of visual observations made at each designated field screening point. Field screening points are either all major outfalls or outfall points randomly located throughout the storm drain system and identified by overlaying the system with a 0.5 mile square grid system and selecting one field screening point for every 1/16th square mile cell.</p> <p>The Revised TO approach is much more efficient and easier to implement, and relies on a combination of focused inspections for illicit discharges based on the Permittees illicit discharge screening program and visual inspections during routine maintenance and other activities in the collection system to meet the screening frequency specified in the Federal Regulations.</p>	No Changes.
SF Baykeeper	C.5.d.	Collection System Screening Inadequate	<p>The field screening requirements for detection of illicit discharges fail to meet federal requirements. Applicants for a municipal separate storm sewer system NPDES permit must include in their application results of a field screening</p>	<p>The permit relies on a combination of focused inspections for illicit discharges based on the Permittees illicit discharge screening program and visual inspections during routine maintenance and other activities in the collection system to meet the screening frequency</p>	<p>The TO was edited to include reference to the USEPA/Center for Watershed Protection publication, "Illicit Discharge Detection</p>

Summary Response to Comments – Provision C.5. Illicit Discharge Detection and Elimination

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
			<p>analysis for illicit connections that includes, at a minimum, a description of visual observations made at each designated field screening point. Field screening points are either all major outfalls or outfall points randomly located throughout the storm drain system and identified by overlaying the system with a 0.5 mile square grid system and selecting one field screening point for every 1/16th square mile cell. As far as we are aware, the Regional Board has not asked Permittees to submit the required field screening information or conduct the level of screening necessary to generate the information required by the regulations governing MS4 permit applications.</p>	<p>specified in the Federal Regulations.</p>	<p><i>and Elimination: A Guidance Manual for Program Development and Technical Assessment.”</i> Permittees are required to use this guidance document when developing and implementing their illicit discharge screening program.</p>
San Leandro San Jose San Jose Attorney Sunnyvale Burlingame	C.5.e	Illicit Discharge Reporting Excessive	<p>Provision C.5.e has excessive reporting requirements. The City maintains complete records that are available for review if Water Board staff request to see them. A summary of the data in annual reports should be sufficient to demonstrate this program's implementation and effectiveness.</p>	<p>The reporting requirements have been reduced. Permittees will still maintain a complaint and spill response database. The information will be reported in the annual report in summary form.</p>	<p>The reporting requirements have been modified to summary tables. Permittees are required to keep detailed records to demonstrate compliance and allow inspection by the Regional Board upon request.</p>
Daly City CCWP SCVURPPP Contra Costa Co.	C.5.b.ii	Extend Time for Development of ERP and Training to 12	<p>The Tentative Order should require development of the Enforcement Response Plan (ERP) at least one year</p>	<p>We agree.</p>	<p>Permittees will now develop an Enforcement Response Plan (ERP) designed to</p>

Summary Response to Comments – Provision C.5. Illicit Discharge Detection and Elimination

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
San Jose Attorney Brisbane SMCWPPP		Months after Adoption	after adoption of the permit. The ERP needs to be supported by local ordinances that will require adequate time to draft, allow public review comment, and adopt. Additionally, the permit should allow one year to complete training on the ERP in order for the training to fit into an annual training workshop.		meet the specific needs of the municipality.
San Leandro Pleasanton Dublin ACCWP	C.5.b	Development of ERP and Legal Authority Overly Burdensome and Not Necessary	Creating enforcement response plans is an overly burdensome task that will effectively draw resources away from program implementation and field-based activities to meeting prescriptive demands required by the MRP. Current spill response and business inspection practices are effective, and adoption of additional formal measures would provide no incremental benefit to water quality.	The prescriptive enforcement response plan requirements in the previous draft have been modified. The requirements are now based on the performance standards of achieving clean up before the next rain event or within 10 business days. Permittees have the flexibility to create an ERP specific to the needs to meet the goals of this performance standard.	The prescriptive enforcement response plan requirements have been modified and replaced with performance standards for achieving site clean up.
CC Central San Fairfield Suisun SD SCVURPPP Attorney Oakley Daly City San Jose Attorney Brisbane SMCWPPP	C.5.b.i.3	Why is Notification Required For Tier I (Substantial) Violations that Don't Reach Municipal Conveyance	This condition requires permittees to notify the Water Board within 48 hours of "...a Tier One violation that <i>does not</i> (emphasis added) enter the municipal conveyance...". It is not clear why this type of notification of the Water Board is needed for a condition that does not reach the municipal conveyance system. It appears the notification is intended for Tier One violations that do reach the	We agree.	The Tiered violation system has been removed the requirements.

Summary Response to Comments – Provision C.5. Illicit Discharge Detection and Elimination

File	Provision No. ^a	Key Word(s)	Comment	Response	Proposed MRP Revision ^b
			municipal conveyance.		
SCVURPPP SMCWPPP	C.5.b	ERP Needs Flexibility	The Tentative Order needs to allow flexibility in responding to discharges and threatened discharges. The ERP is too prescriptive.	We agree.	Permittees will now develop an ERP designed to meet the specific needs of the municipality.
San Leandro Daly City	C.5.b.i.3	Classifying Discharges into Tiers Not Necessary	An illicit discharge is an illicit discharge and they are all illegal. If it stayed on site or was stopped before it left the site, then on site clean-up and abatement, along with implementing measures to preclude the spill from occurring again are required. If it left the site but was contained in the collection system and did not reach receiving waters then the responsible party (RP) must also clean and abate the collection system. If it did reach any receiving waters then the local agency is going to defer to county, state and federal agencies regarding corrective actions for mitigation & abatement outside the agency jurisdiction and still take enforcement individually or jointly with responding county, state and federal agencies as circumstances dictate.	We agree.	The Tiered system has been removed from the requirements.

^a Refers to Provision Numbers contained in the Municipal Regional Stormwater Permit (MRP) Tentative Order dated December 14, 2007.

^b Provision Numbers referenced are found in the Municipal Regional Stormwater Permit (MRP) revised Tentative Order dated February 11, 2009.

Provision C.6. Construction Site Control – Summary Response to Comments

Provision C.6 - Construction Site Controls – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	MRP Revision
Brisbane SMCWPPAtt3	C.6.e.iii.	Excessive Tracking	Too much tracking. <i>Only maintain a record of each wet season, stormwater specific inspection and each screening inspection that found a significant violation of a municipal stormwater ordinance.</i>	Wet season and screening level inspections are no longer required, although both have benefits to waterbodies. In response to comments about flexibility, we took away the specific requirements for legal authority, enforcement response plan, and minimum BMPs. Instead, we focus C.6.'s effectiveness in preventing discharge of construction related pollutants to stormdrains and water bodies on inspections. To ensure that controls are maintained and appropriate controls are being implemented for changing conditions C.6.e. in the revised TO contains the minimum summary data necessary for Water Board staff to gauge Permittee's minimum compliance. The specific tracking information required in C.6.e.(3), leaves a trial to verify that Permittee's complied with the Permit for inspections, enforcement, and follow-up. Tracking just inspections that found a significant violation does not provide adequate information to verify that Permittee's have complied with the Permit for inspections, enforcement, and follow-up.	Wet season stormwater specific inspection removed. Screening Level inspection requirement removed. Monthly inspections and tracking for sites disturbing 1 acre or more of land and for high priority sites.

Provision C.6. Construction Site Control – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	MRP Revision
Brisbane SCVURPP ATT A SMCWPPAtt3-Table	C.6.h.ii.(2)	Excessive Tracking	<p>Don't require tracking of stormwater specific inspections that identify a threatened discharge.</p> <p><i>Limit tracking to significant violations of municipal stormwater ordinance.</i></p>	<p>Tracking just inspections that found a significant violation does not provide adequate information to verify that Permittee's have complied with the Permit for inspections, enforcement, and follow-up.</p>	None
Daly City	C.6.f.iii	Excessive Tracking	<p>Requirement to implement program for controlling, tracking, and reporting on construction management practices expensive for built out cities.</p> <p><i>Modify language to require implementation and recording on an as needed basis or in districts where more than one site of 1-acre of disturbed land per year is likely to occur.</i></p>	<p>All Permittees should already have standard operating procedures for inspection of construction sites, which should include inspection protocols and some method of tracking so that the inspectors can document violations and their compliance directives for the site. Tracking and reporting only need to be done for the years that Permittees have sites disturbing one acre or more of land (new development and redevelopment). The revised Fact Sheet includes an example of how the tracked information can be presented. Each Permittees can determine if it will use the electronic version or a handwritten tabular version.</p>	None
San Jose Att A	Attachment L (pg. L-44)	Excessive Tracking	<p>Requirement to develop and implement a tracking system for <u>all</u> screening level inspections would not be practical.</p>	<p>To ensure consistency with the Permit requirements, the reporting template will be released after the adoption of the Permit.</p>	Reporting template has been removed from the Permit.
Sunnyvale Att A	C.6	Reporting Onerous	<p>Reporting requirements onerous.</p>	<p>We consider the reporting requirements the minimum amount of information we need to determine Permittee's compliance and to determine if the Permittees are taking the appropriate enforcement actions to bring sites into rapid compliance.</p>	C.6.e.iii. in the revised TO streamlines and consolidates the reporting requirements for inspections.

Provision C.6. Construction Site Control – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	MRP Revision
ACCWP-Att1-Redline	C.6.a-h	Reporting Onerous	Sites are inspected daily; therefore, reporting on every single inspection is not practical.	The TO does not require reporting for every single inspection.	None
San Jose San Jose Attorney	C.6	Reporting Onerous	<i>Delete requirement to report inspection results at the transaction level.</i>	The revised TO contains the minimum summary data necessary for Water Board staff to gauge Permittee's compliance.	C.6.e.iii(1) in the revised TO states the specific summary data that must be reported in each Annual Report.
San Jose Attorney	C.6	Reporting Onerous	Excessive reporting not linked to improvement in water quality.	We consider the reporting requirements the minimum amount of information we need to determine Permittee's compliance and to determine if the Permittees are taking the appropriate enforcement actions to bring sites into rapid compliance. If sites are not inspected and if rapid compliance is not happening, sediment and other construction pollutants are entering our waterbodies.	C.6.e.iii. streamlines and consolidates the reporting requirements for inspections.
Sunnyvale Att A	C.6	Attachment L	<i>Remove Attachment L from the TO. Reporting form should be developed after the permit is adopted to reflect what is actually included in the permit.</i>	We agree. To ensure consistency with the Permit requirements, the reporting template will be released after the adoption of the Permit.	Reporting template has been removed from the Permit.
SCVURPP Att A	C.6.c	Attachment L	Compliance status column unnecessary. <i>Eliminate column. Enhance "Problems Observed" column to include standardize categories.</i>	We agree. We rewrote Provision C.6. to accommodate comments on flexibility. In doing so, we have standardized the BMP categories to line up with the six BMP categories in the Draft State Board's General NPDES Permit for Stormwater Discharges Associated with Construction Activities. The revised TO also specifically lists the information to be tracked for each inspection. The revised Fact Sheet has an example of how the tracked information can be presented. In this	"Problems Observed" is now standardized into the following six BMP categories: (1) Erosion Control, (2) Run-on and Runoff Control, (3) Sediment Control, (4) Active Treatment System (as necessary), (5) Good Site Management, and (6) Non Stormwater Management. Reporting template has been removed from the Permit.

Provision C.6. Construction Site Control – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	MRP Revision
				example, the "Problems Observed" column has the six standardized BMP categories.	
SCVURPP Att A	C.6.c	Attachment L	<i>Rather report resolution as a standardized category. A text field allows extreme variation in responses</i>	We agree. Standardized categories allow the Permittees to better collect and summarize data for annual reporting.	"Resolution" is now standardized into the following three categories in the revised TO: (1) Problems fixed, (2) Need More Time, and (3) Escalate Enforcement. Reporting template has been removed from the Permit.
SCVURPP Att A	C.6.c	Attachment L	Don't need Comments column. <i>Information included in "Problems Observed" and "Resolution" columns.</i>	"Comments" is still included to give Permittees the needed space to discuss rationales for longer compliance time, escalation in enforcement, and any other information Permittees may want to record for that site inspection.	Requirements for "Comments" is listed in the Revised TO in C.6.ii.(3). Reporting template has been removed from the Permit.
Contra Costa Clean Water Program	C.6.iii	Attachment L	Don't track and report the number of Screening Level inspections. <i>Tracking and reporting the number of "Screening Level Inspections" not resulting in problem is not useful information and therefore burdensome.</i>	In response to comments on flexibility, Screening Level inspections are no longer required.	Screening Level inspection requirement removed.

Provision C.6. Construction Site Control – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	MRP Revision
Berkeley	C.6	Too Many New Requirements	Increased efforts to inspect all construction sites, create new databases, and maintain new databases don't directly improve water quality.	<p>Detailed inspections are not required at all construction sites. Sites disturbing less than one acre of soil and not required to implement effective erosion and sediment control measures can discharge significant volumes of polluted runoffs into the Permittee's stormdrain system and ultimately into waterbodies. These polluted discharges become illicit discharges that could have been prevented with a minimal level of oversight. The December 2007 TO does not require Permittee's to create and maintain new databases. We clarified the language in the revised TO. We consider the reporting requirements the minimum amount of information we need to determine Permittee's compliance and to determine if the Permittees are taking the appropriate enforcement actions to bring sites into rapid compliance. If sites are not inspected and if rapid compliance is not happening, sediment and other construction pollutants are entering our waterbodies.</p>	<p>Inspections are required at all construction sites disturbing one acre or more of soil and at high priority sites.</p> <p>The tracked data can be submitted electronically or in a tabular format.</p>
Brisbane SMCWPPPAt3-Table	C.6	Inspection Frequency	<p>Municipalities need to allocate inspection time based on circumstances.</p> <p><i>Don't have an explicit inspection frequency for high priority construction sites.</i></p>	<p>Frequency of inspections at high priority construction sites have been reduced to monthly.</p>	<p>High priority sites inspection requirement reduced to monthly.</p>

Provision C.6. Construction Site Control – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	MRP Revision
SCVURPP Att A	C.6.f	Inspection Frequency	<p>Scheduling of inspections, follow-up/enforcement, and response to complaints during the wet season can be very complicated and it may be difficult to meet specific frequency requirements.</p> <p><i>State inspection frequencies as goals and not requirements.</i></p>	<p>While we do understand the complexity of scheduling inspections, follow-up/enforcement, and response to complaints, inspection frequencies as goals does not allow us to establish Permit compliance.</p>	None.
Berkeley	C.6	Inspection Frequency	<p>Increased efforts to inspect all construction sites, create new databases, and maintain new databases, in addition to the other items in the permit.</p> <p><i>Allow the City to establish the appropriate inspection frequency for the location of the work and potential for pollutant discharge.</i></p>	<p>Detailed inspections at sites disturbing one acre or more of soil and high priority sites once a month during the rainy season is reasonable to ensure that controls are maintained and appropriate controls are being implemented for changing conditions.</p>	<p>Screening Level inspection requirement removed.</p> <p>High priority sites inspection requirement reduced to monthly.</p>
SCVURPP Att A	C.6.a	Legal Authority Flexibility	<p>Permittees have been achieving compliance for years through existing legal authority that does not necessarily include all the requirements in the permit.</p> <p><i>Provide flexibility as to whether the changes are necessary.</i></p>	<p>We have rewritten C.6.a. - Legal Authority for Effective Site Management in response to comments on flexibility.</p>	<p>Removed the specific elements required in a legal authority and made it more general.</p>

Provision C.6. Construction Site Control – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	MRP Revision
San Jose Attorney	C.6.a.ii(3)	Overly Prescriptive Language	References to stop work orders and withholding inspections are overly prescriptive and lacks connection between water quality improvement. <i>Remove references to stop work orders and withholding inspections.</i>	A couple of cities in our Region have successfully used stop work orders to bring sites into quick compliance with effective stormwater pollutant controls. In response to comments on flexibility, we no longer specify the elements for legal authority but expect each municipality to have the ability to escalate progressively stricter enforcement to achieve expedient compliance and clean up.	Removed the specific elements required in a legal authority and made it more general.
Brisbane SMCWPPAtt3-Table	C.6.a.ii.(3)	Overly Prescriptive Language	Imposing fines is overly prescriptive. <i>Allow municipalities flexibility to identify the tools to achieve compliance.</i>	The intent of the subprovision is for municipalities to escalate enforcement in order to achieve quick compliance and clean up. In response to comments on flexibility, we no longer specify the elements for legal authority but expect each municipality to have the ability to escalate progressively stricter enforcement to achieve expedient compliance and clean up.	Removed the specific elements required in a legal authority and made it more general.
ACCWP-Att1-Redline Brisbane SCVURPPP ATT A SMCWPPPAtt3-Table	C.6a-h	ERP	Overly prescriptive with regards to development of ERP, escalation of penalties, and reporting. <i>Allow flexibility.</i>	In response to comments on flexibility, we no longer specify specific elements for an enforcement response plan.	Specific elements of ERP deleted.

Provision C.6. Construction Site Control – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	MRP Revision
ACCWP-Att2-Questions	C.6.b	ERP	Objects to ERP	<p>In response to comments on flexibility, we no longer specify specific elements for an enforcement response plan. Municipalities should already have some enforcement procedures as standard operating procedures that they are already implementing as part of their respective programs. This document provides guidance for consistent enforcement among inspectors. While the TO sets an implementation date of April 1, 2010 for the ERP, Permittees should continue implementing their respective enforcement procedures regardless if there are going to be changes.</p>	<p>Specific elements of ERP deleted.</p>
Brisbane SMCWPPPAtt3- Table Daly City Oakley Moraga	C.6.b	ERP	<p><i>There should not be three separate ERP requirements different from each other.</i></p>	<p>The enforcement tools can be the same for C.4., C.5, and C.6. Timeframes for correction and field scenarios will be different for each provision.</p>	

Provision C.6. Construction Site Control – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	MRP Revision
Brisbane SMCWPPPAtt3-Table	C.6	ERP	<i>Delete requirement for ERP.</i>	<p>In response to comments on flexibility, we no longer specify specific elements for an enforcement response plan. Municipalities should already have some enforcement procedures as standard operating procedures that they are already implementing as part of their respective programs. This document provides guidance for consistent enforcement among inspectors. While the TO sets an implementation date of April 1, 2010 for the ERP, Permittees should continue implementing their respective enforcement procedures regardless if there are going to be changes.</p>	Specific elements of ERP deleted.
SMCWPPPAtt3-Table SMCWPPPAtt3-Table Daly City Mountain View	C.6.a(i)	Limit the Universe of Construction Sites	<i>Permit should limit its requirements to construction sites that are tributary to an MS4 owned or operated by a municipality covered by the permit.</i>	<p>This issue does not need to be addressed in each provision of the Tentative Order, but is a global definition issue of the types of activities that are regulated under the Tentative Order and under the Clean Water Act.</p>	No change of C.6 proposed.
Mountain View	C.6.c	Too Much to Inspect All	Inspection of all project will significantly increased the number of projects that are subject to this requirement.	<p>C.6.c - Minimum Required Management Practices in the December 2007 TO does not require inspections of all construction sites. Regardless of project size, it is still the Permittees responsibility to keep polluted runoff from entering their stormdrains and waterbodies. Polluted</p>	Deleted C.6.c - Minimum Required Management Practices.

Provision C.6. Construction Site Control – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	MRP Revision
				runoff from an unprotected project site disturbing less than an acre is consider an illicit discharge and can be detrimental to receiving waters.	
SCVURPPAttny	C.6.a-h	Too Much	Requires Permittees to inspect sites subject to the Construction General Permit.	<p>There is no regulatory conflict, and indeed the Phase I requirements are redundant with the Construction General Permit in a manner similar to Industrial and Commercial Site Controls requirements. (See response to the first comment in the C.4 Summary Response). CWA 402(0)(3)(B)(ii) requires a prohibition in stormwater permits of non-stormwater discharges into storm sewers. 40 CFR 122.26(d)(2)(i) requires Permittees to carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to the municipal separate storm sewer. As such, Permittees are required to inspect to ensure that non-stormwater discharges are not entering the storm drain and that sites within their jurisdiction are complying with the local stormwater ordinances.</p>	none

Provision C.6. Construction Site Control – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	MRP Revision
NRDC	C.6	Language Vagueness	<p>In many instances, the Draft Permit essentially directs the Permittees to develop their own permit, which will not be subject to public review or Board oversight. Further, the lack of performance standards and compliance measures could render these provisions useless if and when the Regional Board or the public ever needs to enforce them. Without a clear understanding of exactly what these sections require of the Permittees, the Board cannot determine that they result in the reduction of pollutants to the maximum extent practicable.</p>	<p>The revised TO requires certain elements in Legal Authority and Enforcement Response Plan (ERP); and requires monthly inspections of sites disturbing one acre or more of soil with tracking of specific inspection data. The revised TO provides the flexibility to the Permittee to have the Legal Authority and Enforcement Response Plan that fits into their municipality's structure. However, the effectiveness of the individual Legal Authority and ERP to reduce pollutants to the maximum extent practicable will be reflected in the tabular tracking data of the monthly inspection data in some tabular form (which must be made available upon our request) and in the summary of the tracked data annually. We believe that the specific tracking data will provide us the necessary information to determine compliance with C.6.</p>	<p>Revised C.6. provides the Permittees with the necessary flexibility with accountability.</p>

Provision C.6. Construction Site Control – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	MRP Revision
SF Baykeeper, NRDC & Clean Water Action	C.6	Language Vagueness	<p>Places where the permit requires “appropriate” BMPs should be revised to include a BMP menu list of the minimum BMPs that must be implemented.</p> <p><i>Inspections shall confirm implementation by construction site operators/developers of erosion and other pollutant controls through appropriate BMPs.</i></p>	<p>All construction sites must have appropriate and effective controls. What are appropriate controls for a site on a hill near a creek may be different for a flat site. Different types of soils can also factor into the type of BMPs necessary. Therefore, all BMPs are site specific and all sites disturbing one or more acre of soil must have a site specific Storm Water Pollution Prevention Plan (SWPPP) has site specific BMPs for the different stages of construction. Inspections confirm whether the BMPs in the SWPPP have been implemented and maintained.</p>	None.
SF Baykeeper, NRDC & Clean Water Action	C.6.d.ii.(3)	Language Vagueness	<p>Places where the permit requires “appropriate” BMPs should be revised to include a BMP menu list of the minimum BMPs that must be implemented. This includes the “as appropriate” educational materials given to site operators/developers, as appropriate.</p>	<p>The “as appropriate in C.6.d.ii.(3) refers to the site operators/developer who may need educational materials. The Permittees will know whether or not the site operators/developers need educational materials based on their review of the erosion control plan required in C.6.d.ii.(1).</p> <p>All construction sites must have appropriate and effective controls. What are appropriate controls for a site on a hill near a creek may be different for a flat site. Different types of soils can also factor into the type of BMPs necessary. Therefore, all BMPs are site specific.</p>	None.

Provision C.6. Construction Site Control – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	MRP Revision
Moraga Oakley	C.6.c	Language Vagueness	Permittees are to designate a minimum set of BMP's for site operators and among the items to be implemented are SWPPP's. Local agencies now require that developers with site disturbance of 1 acre or more obtain coverage under the State General Construction Permit. Is more being implied here than what is currently being required, as this is new language?	All BMPs are site specific and we have therefore deleted C.6.c. - Minimum Required Management Practices. Permittees have the flexibility to determine if the BMPs for each construction site are effective and appropriate. Permittees no longer need to submit Minimum Required BMPs or revisions to Minimum Required BMPs.	C.6.c. - Minimum Required Management Practices deleted.
Moraga Oakley	C.6.c.iii.	Language Vagueness	This expands local agency responsibilities into the area controlled by the State General Construction Permit.	CWA 402(0)(3)(B)(ii) requires a prohibition in stormwater permits of non-stormwater discharges into storm sewers. 40 CFR 122.26(d)(2)(i) requires Permittees to carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to the municipal separate storm sewer. As such, Permittees are responsible for ensuring that all sites, regardless of sites, are implementing and maintaining appropriate BMPs to prevent non-stormwater discharges from entering into the storm sewer.	C.6.c. - Minimum Required Management Practices deleted.
EPA Region 9	C.6.ii.	BMP	Supports detailed BMP requirements to make it more enforceable.	All construction sites must have appropriate and effective controls. What are appropriate controls for a site on a hill near a creek may be different for a flat site. Different types of soils can also factor into the type of BMPs necessary. All BMPs are site specific	C.6.c. - Minimum Required Management Practices deleted. C.6.e.ii.(3) - Tracking added to require tracking of specific data during inspections, tracking that data in some tabular form, and making the tabular forms available

Provision C.6. Construction Site Control – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	MRP Revision
				<p>and we have therefore deleted C.6.c. - Minimum Required Management Practices. Permittees have the flexibility to determine if the BMPs for each construction site are effective and appropriate.</p> <p>The revised TO provides the flexibility to the municipality and the project proponent to make immediate decisions on appropriate, cutting-edge technology to prevent the discharge of construction pollutants into stormdrains, waterways, and right-of-ways.</p> <p>We however require accountability for thorough inspections, follow-up, and enforcement to bring sites into compliance in a timely manner through. This accountability will be done through tracking of specific data during inspections, tracking that data in some tabular form, making the tabular forms available upon our request, and summarizing the tracked data for reporting annually.</p>	<p>upon our request.</p> <p>C.6.e.iii. - Reporting added to require specific summaries of the tracked data annually.</p>

Provision C.6. Construction Site Control – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	MRP Revision

Provision C.7. Public Information and Outreach – Summary Response to Comments

C.7 Public Information and Outreach - Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
Millbrae	C.7g	Reporting Burdensome	No staff resource to comply with reporting requirements.	We consider the reporting requirements the minimum amount of information we need to determine Permittee's compliance.	Reporting template has been removed from the Permit. Reporting requirements have been streamlined and clearly written into the revised TO.
SCVURPP ATT A SCVURPP ATT A	C.7 Att. L	Reporting Burdensome	Table L-51 and T-54: Suggestion to review coordinator timesheets to determine the level of effort is overly burdensome and unreasonable since many individuals contribute to outreach efforts. <i>Track the total number and/or hours of training and/or performances given.</i>	Suggestions are not permit requirements.	Reporting template has been removed from the Permit. Reporting requirements have been streamlined and clearly written into the revised TO.
Dublin	C.7	Reporting Burdensome	Added cost for public outreach requirements --> \$8,000/year; added major new requirements for trash and other pollutants of concern. <i>Not the time to add public outreach work, record keeping, and reporting requirements.</i>	C.7.i. and C.7.l. have been removed from the revised TO. The remaining subprovisions exist in all stormwater programs at some level. In response to comments on flexibility, the revised TO (1) eliminates the cap on individual credits for events sponsored by the respective County-wide Program and BASMAA and (2) allows Permittees to claim public outreach and citizen involvement credits if the event contains significant elements of both. Some level of record keeping is necessary to document implementation of Permit requirements. We consider the reporting requirements the minimum amount of information we need to determine Permittee's compliance.	C.7.i. (General Outreach Materials) and C.7.l. (Research Surveys, Studies, Focus Groups) have been removed from the revised TO. Reporting template has been removed from the revised TO. Reporting requirements have been streamlined and clearly written into the revised TO. C.7.e.ii. and C.7g.ii. in the revised TO allow Permittees to claim (1) individual credits for all Public Outreach Events are sponsored or hosted by their Countywide Program or BASMAA as long as the events are publicized to reach the Permittee's jurisdiction and (2) credit for both Public Outreach and Citizen Involvement Events if the event contains significant elements of both.

Provision C.7. Public Information and Outreach – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
Berkeley Oakley Daly City Belmont ACCWP Alameda City Burlingame SMCWPPP	C.7.a.i. and C.7.a.ii	Private Inlet Marking and Maintenance	Existing facilities and improvements have grandfathered rights which prevent the City from enforcing retroactive inlet marking and maintenance. <i>Remove from C.7 and add to C.3 where permit requirements can be imposed as properties are improved or redeveloped.</i> No legal entity to hold responsible for the retrofit work on private property; local agency does not have the authority to enter and perform this type of work on private property. <i>Grant exemptions.</i>	See proposed revisions. These issues are best addressed at the time private gated communities and other private developments are first permitted by the Permittees, but there is no retrofit requirement in the Revised TO.	Requirement for Permittees to seek out respective private entities responsible for street maintenance to mark inlets and maintain them on privately maintained streets that were not marked upon construction has been removed in the revised TO.
SCVURPP ATT A	C.7 Att. L	Surveys	Onerous and expensive task. Large amounts of data needed to be collected to determine message effectiveness. <i>Do once during the permit cycle and reported the year after it is conducted.</i>	We consider two surveys necessary to identify and quantify the audiences' knowledge, trends, and attitudes and/or practices; and to measure the overall population awareness of the messages and behavior changes. One survey does not allow for effectiveness assessment. In addition, BASMAA already conducts regional survey for its Advertising Campaign.	
Brisbane SMCWPPPAt3-Table	C.7	Surveys	Level of effort required for compliance is unclear. Do not have the resources to be funding research. <i>Only one advertising campaign.</i>	The Implementation Level and the Reporting requirement have been revised to clearly communicate the level of effort necessary for compliance. Surveys may be done regionally or county-wide and are necessary to identify and quantify the audiences' knowledge, trends, and attitudes and/or practices; and to measure the overall population awareness of the messages and behavior changes.	Provision C.7.b. in the revised TO describes the Implementation Level and the Reporting requirement.
Brisbane SMCWPPPAt3-	C.7.l.ii	Surveys	<i>Delete "undertake research to identify and quantify</i>	See proposed revision	Provision C.7.l. deleted in the revised TO.

Provision C.7. Public Information and Outreach – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
Table			<i>audiences, knowledge, attitudes, practices, and trends..." (Provision 7.I.ii) because municipalities can rely on existing information to plan advertising campaign.</i>		
Alameda City	C.7.b	Advertising Campaign	Two advertising campaigns, media advertisements, and pre- and post-campaign surveys in an effort to target trash/litter reduction and pesticide use minimization is prescriptive and potentially costly.	BASMAA already implements a Regional Advertising Campaign on behalf of its members. Provisions C.9. and C.10. in the TO address pesticides and trash respectively. Also, the public can readily do something about these two pollutants once they are aware of the issues. Therefore, it makes sense to focus advertising campaigns on these two pollutants.	
SMCWPPPAtt3-Table Brisbane	C.7	Advertising Campaign	Advertising campaigns are expensive. Higher priority uses for public education funds. <i>Require only one advertising campaign and assessment survey.</i>	Surveys may be done regionally or county-wide and are necessary to identify and quantify the audiences' knowledge, trends, and attitudes and/or practices; and to measure the overall population awareness of the messages and behavior changes. One survey does not allow for effectiveness assessment. In addition, BASMAA already conducts an Advertising Campaign for its members.	
SF Baykeeper	C.7	Advertising Campaign	<i>Explain basis for requiring that advertising campaigns target trash/litter and pesticides versus other pollutants of concern.</i>	Provisions C.9 .and C.10. in the TO address pesticides and trash respectively. The public can readily do something about these two pollutants once they are aware of the issues. Therefore, it makes sense to focus advertising campaigns on these two pollutants.	

Provision C.7. Public Information and Outreach – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
Brisbane SMCWPPPAtt3- Table	C.7	Advertising Campaign	<p>Targeting trash/litter and pesticides in advertising campaigns diffuses the message.</p> <p><i>Municipalities should focus entirely on trash/litter since the State regulates the use, sale, and transportation of pesticides.</i></p>	<p>Provisions C.9 .and C.10. in the TO address pesticides and trash respectively. The public can readily do something about these two pollutants once they are aware of the issues. Therefore, it makes sense to focus advertising campaigns on these two pollutants.</p>	
JamesRogerAttII	C.7.b.ii	Advertising Campaign	<p>Questions the need for additional trash/litter campaigns until there has been a thorough evaluation of the effectiveness of the Caltran's Trash Campaign.</p>	<p>Evaluation of tasks is critical to a program's success. We certainly do encourage partnership with CalTrans. However, based on the trash evidences we see in creeks, waterways, and streets, trash continues to be a primary pollutant of concern. The pre-campaign survey is intended to quantify the publics' knowledge, trends, attitudes, and practices; and the determine how to most effectively target them.</p>	
GCRCDAtt	C.7.b	Advertising Campaign	<p>Advertising campaign will not have impact on major Santa Clara Basin waterways unless it is tied to some incentive or rewards program. Pollution along the urban segments of Santa Clara Basin waterways is caused by illegal dumping and/or littering, mostly by vagrant encampments. These people don't care about the environment, our waterways, awareness campaigns, or programs.</p> <p><i>Need strong program to prevent waterside encampments and a strong enforcement program to penalize polluters.</i></p>	<p>We agree that homeless encampments are a major source of trash, but public awareness to prevent littering will also have an impact on our waterways.</p>	

Provision C.7. Public Information and Outreach – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
JamesRogerAttII	C.7.b.ii	Advertising Campaign	<i>Money could be better spent installing treatment systems to remove trash.</i>	Both trash removal and outreach should receive resources. Provision C.7. addresses trash reduction outreach and Provision C.10. addresses trash removal.	
Milpitas	C.7 Fact Sheet	School Outreach	Teachers don't have time in their schedules to make use of materials not related to standardized tests.	Many Permittees around the Bay Area have had great success (and fun) implementing school outreach programs. Some have done the program themselves and others have partnered with other programs and/or agencies. And almost all programs align themselves with grade appropriate California Education Standards. In Milpitas, school outreach programs already exist because the San Jose/Santa Clara Wastewater Treatment Plant (City of San Jose) sponsors them. Children are our next generation to make consumer decisions. And they are our best advocates for good practices for a cleaner Bay among their families and friends.	
Millbrae	C.7.g	School Outreach	<i>C.7.h should be included in C.7.e.</i>	Children are our next generation. And they are our best advocates for good practices for a cleaner Bay among their families and friends. Because of the children's important role, the PIP Workgroup for the MRP separated school outreach (C.7.h.) out from Public Outreach (C.7.e).	None
SMCWPPPAtt3-Table	C.7	School Outreach	<i>School outreach should be combined with other event requirement sections.</i>	Children are our next generation. And they are our best advocates for good practices for a cleaner Bay among their families and friends. Because of the children's important role, the PIP Workgroup for the MRP separated school outreach (C.7.h.) out from Public Outreach (C.7.e).	None

Provision C.7. Public Information and Outreach – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
JamesRogerAttII	C.7.h.i	School Outreach	<i>Delete reference to causing a behavior change since it is extremely difficult and expensive to determine.</i>	We strongly encourage Permittees to evaluate its School Outreach Program's effectiveness. This allows Permittees to best utilize its resources to convey its messages. Simply things such as pre and post presentation surveys for the students and teacher evaluations of the presentation are inexpensive and can provide valuable information for the Permittees to tailor their programs.	"cause behavioral change" deleted from C.7.h.i.
Daly City	C.7.h	School Outreach	Permittees can only provide information and increase awareness with outreach. Permittees cannot control behavior. <i>Eliminate the language where Permittees implement activities to change specific behaviors of school aged children.</i>	We strongly encourage Permittees to evaluate its School Outreach Program's effectiveness. This allows Permittees to best utilize its resources to convey its messages. Simply things such as pre and post presentation surveys for the students and teacher evaluations of the presentation are inexpensive and can provide valuable information for the Permittees to tailor their programs.	"cause behavioral change" deleted from C.7.h.i.
Daly City	C.7.e	Public Outreach Events' and Citizen Involvement Events' Credit Limits	Significant increase from the current performance standard of 5, which combines and considers all outreach efforts as an event. <i>Reduce the number to 2 outreach events annually or change language to require a progressive increase in events annually reaching the desired amount in the final permit year.</i>	The number of events according to population for Public Outreach Events (C.7.e.ii.) was determined by the Public Information/Public Participation Workgroup for the MRP. However, in response to comments on flexibility, the revised TO (1) eliminates the cap on individual credits for events sponsored by the respective County-wide Program and BASMAA and (2) allows Permittees to claim public outreach and citizen involvement credits if the event contains significant elements of both.	C.7.e.ii. and C.7g.ii. in the revised TO allow Permittees to claim (1) individual credits for all Public Outreach Events are sponsored or hosted by their Countywide Program or BASMAA as long as the events are publicized to reach the Permittee's jurisdiction and (2) credit for both Public Outreach and Citizen Involvement Events if the event contains significant elements of both.

Provision C.7. Public Information and Outreach – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
SMCWPPPAtt3-Table	C.7.e	Public Outreach Events' and Citizen Involvement Events' Credit Limits	Specified number of events is too high. Unclear what is the technical basis for the number of events required since that is not discussed in the Fact Sheet.	<p>The number of events according to population for Public Outreach Events (C.7.e.ii.) was determined by the PIP Workgroup for the MRP based on existing performance standards.</p> <p>Existing performance standards are as follow:</p> <ul style="list-style-type: none"> <u>Alameda County</u> Over 100,000 – 8 50,000 to 100,000 – 6 Less than 50,000 – 4 <u>Contra Costa County</u> Over 100,000 – 4 50,000 to 100,000 – 3 Less than 50,000 – 3 <u>San Mateo County</u> Over 50,000 – 5 5,000 to 50,000 – 4 Less than 5,000 – 3 <u>Santa Clara County</u> 8-10 <p>However, in response to comments on flexibility, the revised TO (1) eliminates the cap on individual credits for events sponsored by the respective County-wide Program and BASMAA and (2) allows Permittees to claim public outreach and citizen involvement credits if the event contains significant elements of both. Specified number of events remains the same.</p>	C.7.e.ii. and C.7g.ii. in the revised TO allow Permittees to claim (1) individual credits for all Public Outreach Events are sponsored or hosted by their Countywide Program or BASMAA as long as the events are publicized to reach the Permittee's jurisdiction and (2) credit for both Public Outreach and Citizen Involvement Events if the event contains significant elements of both.
Daly City	C.7g.	Public Outreach Events' and Citizen Involvement Events' Credit Limits	<p>Significant increase from the current performance standard of 5, which combines and considers all outreach efforts as an event.</p> <p><i>Reduce the number to 1 citizen involvement event annually or change language to require a progressive increase in events annually reaching the desired amount</i></p>	In response to comments on flexibility, the revised TO (1) eliminates the cap on individual credits for events sponsored by the respective County-wide Program and BASMAA and (2) allows Permittees to claim public outreach and citizen involvement credits if the event contains significant elements of both.	C.7g.ii. in the revised TO allows Permittees to claim (1) individual credits for all Community Outreach Events that are sponsored or hosted by their Countywide Program or BASMAA as long as the events are publicized to reach the Permittee's jurisdiction and (2) credit for both Public Outreach and Citizen Involvement Events if the event contains significant elements of both.

Provision C.7. Public Information and Outreach – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
			<i>in the final permit year.</i>		
Daly City	C.7.e. and C.7.g.	Public Outreach Events' and Citizen Involvement Events' Credit Limits	<i>Combine public outreach events and citizen involvement events into a single requirement.</i>	We feel that citizen involvement events are important because it allows the community opportunities to actively practice being good stewards of our environment. But in response to comments on flexibility, the revised TO allows Permittees to claim public outreach and citizen involvement credits if the event contains significant elements of both.	C.7.e.ii. and C.7g.ii. in the revised TO allow Permittees to claim (1) individual credits for all Public Outreach Events are sponsored or hosted by their Countywide Program or BASMAA as long as the events are publicized to reach the Permittee's jurisdiction and (2) credit for both Public Outreach and Citizen Involvement Events if the event contains significant elements of both.
Sunnyvale Att A	C.7	Public Outreach Events' and Citizen Involvement Events' Credit Limits	Prescriptiveness limits the flexibility to implement an effective and cost efficient outreach program.	In response to comments on flexibility, the revised TO allows Permittees to claim public outreach and citizen involvement credits if the event contains significant elements of both.	C.7g.ii. in the revised TO allows Permittees to claim (1) individual credits for all Community Outreach Events that are sponsored or hosted by their Countywide Program or BASMAA as long as the events are publicized to reach the Permittee's jurisdiction and (2) credit for both Public Outreach and Citizen Involvement Events if the event contains significant elements of both.
Oakley	C.7.e and g	Public Outreach Events' and Citizen Involvement Events' Credit Limits	Currently outreach and involvement are combined. The TO breaks them out and the requirements significantly exceeds the current combined requirement. Only limited number of community-wide events. Smaller communities have less resources and opportunities to do their own.	In response to comments on flexibility, the revised TO allows Permittees to claim public outreach and citizen involvement credits if the event contains significant elements of both.	C.7.e.ii. and C.7g.ii. in the revised TO allow Permittees to claim (1) individual credits for all Public Outreach Events are sponsored or hosted by their Countywide Program or BASMAA as long as the events are publicized to reach the Permittee's jurisdiction and (2) credit for both Public Outreach and Citizen Involvement Events if the event contains significant elements of both.
San Jose Att A	C.7.g	Public Outreach Events' and Citizen Involvement Events' Credit Limits	Requiring that Permittees only receive credit for regional citizen involvement events that occur in their jurisdiction will likely reduce the number and effectiveness of regional-level collaboration. More efficient to do county and regional-level collaboration in	In response to comments on flexibility, the revised TO allows Permittees to claim public outreach and citizen involvement credits if the event contains significant elements of both.	Provision C.7.g.ii. in the revised TO allows Permittees to claim individual credits for all Citizen Involvement Events that are sponsored or hosted by their Countywide Program or BASMAA as long as the events are publicized to reach the Permittee's jurisdiction.

Provision C.7. Public Information and Outreach – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
			many cases. <i>Remove language restricting credit based on event location.</i>		
San Jose San Jose Att A San Jose Attorney	C.7.	Public Outreach Events' and Citizen Involvement Events' Credit Limits	Collaborative efforts reduce redundant work and increase the effectiveness of specific messages. <i>Remove language limiting collaboration. Don't limit municipality's ability to take full credit for inter-agency collaboration.</i>	See proposed revision	C.7.e.ii. and C.7.g.ii. in the revised TO allow Permittees to claim individual credits for all Public Outreach Events and Citizen Involvement Events that are sponsored or hosted by their Countywide Program or BASMAA as long as the events are publicized to reach the Permittee's jurisdiction.
Santa Clara Brisbane SCVURPPP ATT A SMCWPPPAt3-Table	C.7 C.7.e.ii	Public Outreach Events' and Citizen Involvement Events' Credit Limits	TO discourages individual co-permittees from participating in regional training and education events since they only receive partial credit for regional events. <i>Continue encouraging the broad-based watershed approach.</i> Credit limit discourages collaboration and coordination. <i>Allow permittees to claim credit for all countywide program events that they either fund or participate in.</i>	See proposed revision	Provision C.7.g.ii. in the revised TO allows Permittees to claim individual credits for all Citizen Involvement Events that are sponsored or hosted by their Countywide Program or BASMAA as long as the events are publicized to reach the Permittee's jurisdiction.
SCVURPPP ATT A Brisbane SCVURPPP ATT A SMCWPPPAt3-Table	C.7.g.iii	Public Outreach Events' and Citizen Involvement Events' Credit Limits	Watersheds and creeks do not follow jurisdictional boundaries, and citizens that want to participate in an event may do so outside of the city in which they live. Countywide events draw volunteers from other municipalities. Countywide events draw volunteers from other municipalities. <i>Revise Footnote 12 to allow permittees to claim credit for</i>	We agree. Residents participate in events all over the Bay Area and beyond.	Provision C.7.g.ii. in the revised TO allows Permittees to claim individual credits for all Citizen Involvement Events that are sponsored or hosted by their Countywide Program or BASMAA as long as the events are publicized to reach the Permittee's jurisdiction.

Provision C.7. Public Information and Outreach – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
			<i>all Program-sponsored citizen involvement events in the Program area. Allow permittees to claim credit for all citizen involvement events that occur anywhere in the county that the municipality helps fund or participates in.</i>		
Brisbane SMCWPPPAtt3-Table	C.7.g.	Public Outreach Events' and Citizen Involvement Events' Credit Limits	<i>Permit should specify that each citizen monitoring event, watershed field activity, and workshop/conference/meeting will count as one citizen involvement event.</i>	See proposed revision	Provision C.7.g.iii. in the revised TO clarifies how the Citizen Involvement Events are to be reported. By listing the name of the event, event location, and event date, each activity counts as one event.
JamesRogerAttII	C.7.g.ii.	Involvement Level	<i>Vallejo and Fairfield should be required to have the same number of events as other cities of comparable size.</i>	We agree. All cities and counties will implement Citizen Involvement Events (C.7.g.) based on individual population.	Provision C.7.g.ii. in the revised TO removes Vallejo and Fairfield-Suisun from the list of Non-population-based permittees.

Provision C.7. Public Information and Outreach – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision

Provision C.7. Public Information and Outreach – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision

Provision C.8 Water Quality Monitoring – Summary Response to Comments

File	Com No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
BASMAA	2	C.8.	Cost	Annual monitoring costs beginning in 2nd yr are > \$5 million for all municipalities.	In response to the Permittees' concerns about cost, Board staff scrutinized each monitoring requirement and pared back many of them. Every remaining monitoring requirement is cost-effective and necessary. See the Fact Sheet for a full explanation of the need for each monitoring requirement.	In response to Permittees' concerns about cost, several monitoring requirements are pared back: <ul style="list-style-type: none"> • Eliminated pump station monitoring • Reduced bioassessment sampling • Reduced nutrient sampling • Reduced temperature sampling • Reduced and modified trash assessments • Reduced the amount of sampling required of Fairfield-Suisun and Vallejo, the smallest Permittees in terms of
Alameda City	13	C.8.	Cost	Estimated annual monitoring increase: \$300,000 for ACCWP, \$20,000 for Alameda. No funding mechanism is identified. Analyze water quality benefits and costs.		
San Leandro	16	C.8.	Cost	ACCWP monitoring cost increase: \$400,000-\$600,000 /yr & could exceed \$2 million /5 yrs. Future funding source is unclear.		
Dublin	2b	C.8.	Cost	City's added cost estimated exceed \$9,000 /yr.		
Burlingame	14	C.8.	Cost	Monitoring would take 2/3 of FY08-09 budget. In FY09-10 monitoring costs double, triple in mercury control and quadruple in PCBs controls. Scale back or reprioritize monitoring funding until is identified.		
Walnut Creek	3a	C.8.	Cost	Estimated countywide monitoring costs: \$4,600,000-\$13,950,000 for 5-yrs; this is > 300% increase.		
Danville	3a	C.8.	Cost	CCCWP monitoring cost is now \$420,000, and estimated to increase up to 400%.		

Summary Response to Comments on Provision C.8. - Water Quality Monitoring

File	Com No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
Contra Costa County Supervisors WQM	7	C.8.	Cost	Technicians & service for continuous sampling equipment for general water quality parameters & temperature are added costs, plus potential vandalism. Trash assessments & stream surveys also add costs.	Our estimates are based on analytical costs under our laboratory contract and labor costs of \$100, including travel time. They do not include time for data evaluation, report writing, or contingencies.	population base.
Mountain View	12a	C.8.	Cost	Monitoring is overly prescriptive & may significantly increase costs, especially later in permit cycle.	This region-wide cost estimate of \$1,286,500/year compares favorably to monitoring costs incurred by other NPDES permittees, as obtained through annual reports or personal conversation:	
ACFCD Zone 7, SCVURPPP	9, 3a	C.8.	Cost	Increased monitoring will be very costly. Due to Prop 218, Permittees will have a difficult time meeting the requirements.	<ul style="list-style-type: none"> • Los Angeles County FY0708 monitoring cost: \$2,042,000 • Central Contra Costa Sanitary District annual monitoring cost estimate: \$1,000,000 • Conoco Refinery annual monitoring cost estimate: \$500,000 	
San Pablo	21	C.8.	Cost	To reduce costs, prioritize among the 9 Monitoring Projects.		
Palo Alto, SCVURPPP, Daly City	4, 2, 77	C.8.	Cost	Focus on limited, cost-effective monitoring linked to relevant management questions.		
Santa Clara	6a	C.8.	Cost	Monitoring requirements are onerous & expensive.		
Contra Costa County Supervisors	2, 8b	C.8.	Cost	Required studies go beyond County's core mission & staff expertise, including Source Control Evaluation Study, PCB Sampling & Analysis Plan, Fate & Transport Studies, Brake Pad/Desktop Study, Copper Toxicity Study, PBDE Legacy Pesticides & Selenium Regional Study. Many of these studies appear to be precursors to TMDL development, a RWQCB function.	Also note that some required Pollutants of	

Summary Response to Comments on Provision C.8. - Water Quality Monitoring

File	Com No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
ACCWP–Hearing–Feng, A.	1	C.8.	Cost	<p>It's a large increase in monitoring; we estimate over \$5 million a year, roughly double existing monitoring budgets. This is disproportionate compared to the Regional Monitoring Program, which collects \$2.9 million annually from all Bay Area dischargers, about $\frac{1}{4}$ of that from stormwater programs.</p>	<p>Concern monitoring is being conducted with grant funds, and that some SWAMP monitoring will fulfill monitoring requirements. These funding sources were ignored in the cost estimates.</p>	

Summary Response to Comments on Provision C.8. - Water Quality Monitoring

File	Com No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
Fairfield City, Suisun, SMCWPPP, FSSD, FairfieldSuisunURP – CullenK FSSD Sunnyvale Att A, San Jose Att A, ACCWP–Hearing– Feng, A. SCVURPPPATTA CCCWP San Leandro, CCCWP	6, 1b, 2a, 75 8b 17b, 48a, 4 54 12 25, 20	C.8. C.8.f.	Duplicative	<p>Overlapping, duplicative sections miss opportunities for efficiency. Example: Status & Trends monitoring should meet needs for Long-Term Trends & Pollutants of Concern Monitoring.</p> <p>To reduce costs, combine Status & Trends Monitoring Stations with Long-Term Monitoring Stations.</p> <p>Many sections are duplicative. Example: where monitoring under Status & Trends could meet the needs for Long-Term Monitoring & Pollutants of Concern monitoring.</p> <p>Long-Term monitoring overlaps & is confusing; rewrite & include: 1) incorporate “long-term trends” into C.8.c by requiring that a portion of the sites sampled under status monitoring be considered long-term trend sites where routine sampling occurs; and, 2) incorporate storm event sampling into C.8.f.</p> <p>C.8.d. / Table 8.3 is duplicative of C.8.f.</p> <p>There appears to be duplication among C.8.f, and the POC provisions.</p>	<p>We disagree that Status & Trends can be combined with Long-Term Monitoring. Status & Trends Monitoring is done once per waterbody, rotating through all the Permittees' major waterbodies over time, in order to determine the “status” of each major waterbody vis-à-vis urban runoff discharges.</p> <p>Long-Term Monitoring does not rotate, but instead is conducted at fixed stations in order to see changes in water quality over time.</p> <p>We evaluated combining Long-Term and Pollutants of Concern Monitoring, but determined that the two have very different purposes, which cannot be achieved if the two are combined. However, Permittees may use the same locations for both types of monitoring if they choose.</p>	For some monitoring elements in the Tentative Order, such as trash assessments and pump station monitoring, associated requirements were found in other Provisions. These requirements are deleted from Provision C.8. so that the requirements do not appear duplicative.

Summary Response to Comments on Provision C.8. - Water Quality Monitoring

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SF Baykeeper, NRDC, & Clean Water Action Comment	15a	C.8.	End-of-Pipe Monitoring	MRP should require enough "end-of pipe" monitoring to compare Municipal Action Levels to actual discharge concentrations.	We disagree. EPA states [Fed.Reg. 61:166, 43761 & 61:216, 57425-29] that stormwater permits should include a monitoring program to determine the extent of attainment of applicable water quality standards, which may include ambient, receiving water, discharge (as needed), or a combination of such monitoring. The Tentative Order contains such a combination of monitoring; it does not contain Municipal Action Levels as does the Ventura County Tentative Order. The Tentative Order requires Permittees to monitor water bodies that receive urban runoff, and take actions when appropriate "triggers" are exceeded.	None

Summary Response to Comments on Provision C.8. - Water Quality Monitoring

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San Pablo Danville	20 3c	C.8.c.	Existing Data	<p>How will added Status Monitoring parameters provide more information than we collect now or protect water quality? Current bioassessment data provide information needed to determine creek health. We now have several years of data: adding more parameters will take resources from the current program, & years of data will be meaningless.</p> <p>Toxicity tests are costly & frequently inconclusive. Don't abandon > 7 yrs of data by changing procedures (away from bioassessments), rendering existing data incomparable & of little use.</p>	<p>We disagree that continued monitoring will decrease the value of existing monitoring data; instead we continue to learn from additional data. Many procedures and parameters are continuations of the Permittees' current monitoring programs, including bioassessments.</p> <p>We have carefully proposed a monitoring program that is built around both past monitoring and existing State-sponsored monitoring.</p>	None
Dublin	2a	C.8.	Existing Data	The Regional Monitoring Program provides insight on watershed-specific sources & trends of pollutants in the bay. Given this, will additional data influence pollution reduction efforts required by the permit? Eliminating or reducing new monitoring wouldn't impact pollution reduction efforts & would free resources for water quality improvement efforts.	The Regional Monitoring Program focuses on SF Bay rather than creeks, which are the receiving waters for urban runoff. Monitoring requirements in the Tentative Order are intended to determine whether further/additional pollution prevention efforts are needed in order to achieve water quality standards or protect beneficial uses in receiving waters.	None

Summary Response to Comments on Provision C.8. - Water Quality Monitoring

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SCVURPPP San Jose Att A	39 51c, 52	C.8.	Existing Data	<p>MRP doesn't give credit for previous monitoring; it should allow reduced monitoring requirements where a Permittee certifies it has completed a substantially similar body of monitoring work under previous permits.</p> <p>How is data collected per previous permits used to align and optimize MRP Provisions? Clarify that previous monitoring can be credited toward compliance with the MRP. The significant monitoring previously conducted should be accounted for.</p>	<p>Status Monitoring rotates around watersheds, so repetition after a period of years is built in. Likewise, repetition is build into Long-Term Monitoring, which monitors fixed stations annually.</p> <p>Previous monitoring results will inform Permittees' selections of waterbody(s) to sample each year; sample locations; and analysis of analytical results, at a minimum. The proposed monitoring program is similar in many ways to the Commenter's current monitoring program, & is expected to build upon previous efforts.</p>	None
San Pablo [fyi: Dale, I deleted at least 3 other variations of the "existing data" comment.]	18	C.8.	Existing Data	SWAMP is testing for pathogens; why are permittees duplicating the work?	Where SWAMP collects required data, Permittees need not duplicate the work. We're pleased that SWAMP will sample several Bay Area locations, reducing costs for Permittees. However, SWAMP will not collect all the data required in the Tentative Order.	None

Summary Response to Comments on Provision C.8. - Water Quality Monitoring

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Berkeley Mountain View ACCWP Newark SCVURPPP, Walnut Creek, ACCWP–Hearing– Feng, A.	23-24 12b 23 9 9 3c 4	C.8.	Flexibility Needed	<p>The Fact Sheet acknowledges contributions of the Program's monitoring & collaboration with other initiatives (RMP, SWAMP), but ignores the adaptive nature of these efforts, where study results inform subsequent data collection.</p> <p>Revise to allow Permittees flexibility to develop & implement monitoring based on analytical results.</p> <p>Excess specificity is inappropriate & in some cases will obstruct cost-effective solutions to monitoring implementation.</p> <p>Many requirements are too prescriptive for allow for adaptive monitoring.</p>	<p>We agree that the Tentative Order should be more flexible in some areas, specifically, in establishing sampling locations. Modifying this to allow more flexibility will allow more cost-effective and practical monitoring.</p> <p>The Tentative Order strives to balance adaptive monitoring with clear expectations for Permittees & the public. In the short-term, Permittees will not be free to select monitoring projects to the extent they have been. However, the monitoring requirements are based largely on the monitoring strategy developed by the Permittees (through BASMAA) in 1998, as well as the monitoring currently conducted by Permittees. In addition, the Tentative Order encourages collaboration amongst all Permittees, which we believe will encourage adaptive monitoring in the future.</p>	Change Status Monitoring and Long-Term Monitoring to provide more flexibility in selecting waterbody reaches.

Summary Response to Comments on Provision C.8. - Water Quality Monitoring

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Fremont, Berkeley SCVURPPP SCVURPPP ATT A	10-11, 25a 3b, 3d 64	C.8.	General Appropriate-ness	<p>Some methods & approaches are inconsistent with good monitoring design & are poorly linked to specific monitoring objectives.</p> <p>Many monitoring requirements aren't based on sound science or are not necessary.</p> <p>Some parameters do not have SWAMP comparable methods/protocols. Data quality objectives may exceed those in the SWAMP QAPP. Revise to state that "Monitoring data shall be SWAMP comparable where applicable...."</p> <p>Compliance dates aren't coordinated. Items to be evaluated for implementation in one provision are already mandated in another provision with an earlier implementation date, e.g.:</p> <ul style="list-style-type: none"> • High efficiency sweepers • Parking restrictions • Diversion of dry weather & first flush flows 	<p>We reviewed all monitoring methods in light of these comments, and determined that some methods could be better-described, and some requirements could be eliminated or revised.</p>	<p>Revise/clarify bioassessment methods; allow more latitude on Status Monitoring sampling site selection; clarify when SWAMP methods are not applicable.</p> <p>Revise C.8.i. "Monitoring Protocols & Data Quality" to say "where applicable" rather than "all" data must be SWAMP comparable.</p> <p>Keep requirements (e.g., trash control, pump station maintenance) in a single section of the Permit, so as to avoid conflicts between sections.</p>
Moraga	2	C.2, C.8	Implementation Dates		<p>We agree that some requirements were not coordinated.</p>	

Summary Response to Comments on Provision C.8. - Water Quality Monitoring

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Sunnyvale Att A, San Jose Att A, SMCWPPP SMCWPPP	17d, 47b, 2c3 2c1	C.8.	New Plan	<p>Some monitoring is better suited to USEPA or State Board. Totally rewrite with only monitoring requirements reasonable for municipalities to implement.</p> <p>Rewrite: reduce monitoring to what would be reasonable for municipalities. Delete some monitoring tasks; reduce & simplify others.</p> <p>Establish SFEI as the regional monitoring collaborative organization. SFEI would review & approve the monitoring program and set QA/QC standards. Permittees could meet monitoring requirements by providing their fair share of the collaborative program.</p>	<p>The Commenters don't specify which monitoring is unsuitable to Permittees. We disagree & refer to the Fact Sheet, which provides the rationale behind each monitoring requirement.</p> <p>The Revised TO is written to clearly support collaboration by the Permittees to implement the monitoring tasks of the MRP. The permit includes incentives for collaboration, the primary being an additional year for forming and organizing the collaborative in the major monitoring deliverable due dates.</p>	None
JamesRogerAtll	58	C.8.	New Plan	Rewrite: require Permittees to develop a monitoring plan, which could be available for public & peer review, & modification, then accepted by the Executive Officer.	We disagree that Permittees, working separately or through a collaborative structure, should create the monitoring plan after	None
Fairfield City, Suisun, SMCWPPP, Sunnyvale ATTA, San Jose, San Jose ATTA	8, 1c, 2c4, 17e, 17, 49	C.8.	New Plan			None

Summary Response to Comments on Provision C.8. - Water Quality Monitoring

File	Com No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
SCVURPPP CCWP	42b 10	C.8.	New Plan	<p>The Permittees' regional collaborative should develop a monitoring plan that answers core monitoring questions in Prov. C.8.c-f. This monitoring plan would replace MRP provisions but would require a very similar level of effort when each program's past monitoring efforts are accounted for (existing data could be used to fulfill monitoring requirements).</p> <p>It may take more than 18 months.</p>	<p>Permit issuance. NPDES permits must provide a level of specificity so that Permittees & the public are clear about what actions are required. In addition, the time needed to reach consensus on a plan; obtain peer, public & Executive Officer review; amend the plan; & obtain approval could take several years. In future permit reissuances, we expect a regional collaborative would & should influence strongly the monitoring requirements.</p>	

Summary Response to Comments on Provision C.8. - Water Quality Monitoring

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Contra Costa County Supervisors, Pittsburg FSSD, Suisun, Sunnyvale, San Jose, ACFCD Zone 7 SMCWPPP Concord	8, 8a 8a2, 1a, 17a, 16a 7 2b 10	C.8 - C.14	Water Quality Benefit	<p>New studies in C.8 - C.14 are beyond City's capability & staff resources & are prescriptive, won't benefit water quality, should be limited, eliminated or more flexible.</p> <p>The permit contains a lengthy 18-page description of the proposed monitoring requirements. As drafted, the monitoring requirements comprise a complete wish list of overly-burdensome requirements that do not benefit the environment.</p> <p>C.8 is onerous & has little to no nexus with improving water quality.</p> <p>Reduce monitoring to be commensurate with benefits. A huge increase in water assessment & monitoring is required without discussion of how it is supposed to improve water quality.</p>	<p>We disagree that the monitoring requirements have little/no nexus to water quality. Municipal stormwater permits generally do not contain effluent limits, due to the variable nature of stormwater & precipitation. Instead, permits require monitoring to help determine the extent to which the permit provides for attainment of applicable water quality standards & to determine the appropriate conditions or limitations for subsequent permits. [Fed.Reg. 61:166, 43761 & 61:216, 57425-29]</p> <p>That said, we do propose added flexibility & reduction of some monitoring requirements.</p>	<p>Reduce required number of samples; reduce bioassessment requirements; reduce number of temperature probes required; allow use of existing stream surveys up to four years old; allow options in addition to Toxicity Identification Evaluations; eliminate pump station monitoring.</p>

Summary Response to Comments on Provision C.8. - Water Quality Monitoring

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CCCWP	2	C.8.a.	Collaborative Effort - Timeframe	Efforts to organize a Regional Collaboration are underway but will take longer to plan and implement. Revise to state "Monitoring conducted through a regional monitoring collaborative shall commence data collection within 18 months of permit adoption. All other Permittee monitoring efforts shall commence data collection within 6 months of permit adoption."	Agreed.	Revise C.8.a.ii. to allow a regional monitoring collaborative to begin data collection within 18 months of permit adoption.
SCVURPPP ATT A	44	C.8.c.	Table 8.1	"Dry" & "spring" sampling are synonymous; chose one term (prefer dry).	We disagree. Spring refers to the period of falling hydrograph (April-June), and dry refers to the consistently low hydrograph (July-Sept).	Define spring and dry sampling periods in the Status Monitoring section.
Berkeley, ACCWP	MP-2d, MP-2d	C.8.c.	Table 8.1 Bioassess	Revise Footnote 18 to allow coordination with RB2 SWAMP on deviations from SWAMP protocols described in Ode (2007).	Agreed.	Revise Footnote 18 to allow coordination with RB2 SWAMP on deviations from SWAMP protocols.
SCVURPPP ATT A, Berkeley, ACCWP	45b, MP-2d, MP-2d	C.8.c.	Table 8.1 Bioassess	SWAMP has not published a protocol/procedure for periphyton biological assessment. Until such protocol is developed, exclude periphyton bioassessments.	We disagree. SWAMP uses the 1999 US EPA method contained in "Rapid Bioassessment Protocols for Use in Wadable Streams and Rivers."	Add reference for the periphyton method to the references for Table 8.1.

Summary Response to Comments on Provision C.8. - Water Quality Monitoring

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SCVURPPP ATT A SMCWPPPAtt3-Table	46 3	C.8.c.	Table 8.1 Chlorine etc.	<p>Remove monitoring parameters associated with non-stormwater stressors (e.g., riparian and aquatic habitat degradation). Chlorine is associated with potable water discharges (water line breaks) rather than stormwater.</p> <p>Remove chlorine, nutrients, temp, diazinon & water toxicity (move to POC section).</p>	<p>We disagree that riparian conditions, aquatic habitat, & chlorine are not associated with storm water. Stormwater quantity & quality can affect riparian & aquatic conditions. Water line breaks can result in illicit discharges.</p> <p>If chlorine, nutrients, temp, diazinon & water toxicity were moved to the POC section, there would be no such monitoring of receiving waters other than where fixed stations are located.</p>	None

Summary Response to Comments on Provision C.8. - Water Quality Monitoring

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Berkeley, ACCWP San Jose Att A SCVURPPP ATT A	MP-2 MP-2 56 47	C.8.c.	Table 8.1 Nutrients	<p>Remove storm event-based sampling (nutrients), a costly effort with little/no water quality benefit. Local creeks & Bay don't display eutrophy due to algal blooms; the benefit of measuring nutrients is marginal. Storm-based sampling is costly because staff must be "on call" to immediately respond to storm events at any hour.</p> <p>Since 2002, dry weather excess algae is rarely seen & there is little/no eutrophication of local creeks. Delete "storm event" monitoring as it's redundant with requirements in Table 8.5.</p>	<p>We disagree. Nutrients are being detected at significant concentrations in many Bay Area creeks and may be a controllable contaminant in urban runoff.</p> <p>Storm event sampling is required in Municipal NPDES permits throughout the State & country. It is valuable in detecting urban runoff pollutants, necessary for developing loading estimates, and deemed less expensive than end-of-pipe monitoring of stormwater outfalls.</p>	None

Summary Response to Comments on Provision C.8. - Water Quality Monitoring

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San Jose Att A	55	C.8.c.	Stressor ID Triggers	Require a Toxicity Reduction Evaluation (TRE)-like process before a full TIE. Additional lines of evidence, e.g. chemical analysis, should be collected similar to the process in Table G.1. Compare results to water quality criteria or to Species Mean Acute Values (SMAV) for the species tested, and to the toxicity test results, to determine if they are related. If there is sufficient exceedance of water quality criteria (or SMAV for the species tested) to explain the observed toxicity in the stream, there is no need to perform a TIE.	We agree that the TRE approach, as outlined in EPA/833B-99/002, is a good option for Permittees' as they determine the stressor or source of a water quality problem.	Revise C.8.e.i. to allow the use of a Toxicity Reduction Evaluation.
SMCWPPPAtt3-Table ACCWP–Hearing–Feng, A. SCVURPPPATTA, San Jose Att A San Jose, San Jose Att 1	MP-3 2 41, 51b 16b, 53b	C.8.c.	Table 8.1 Stressors Stressor ID Triggers	Monitoring & stressor ID should follow a stepwise progression from screening through source ID ... If a toxicity test indicates survival of less than 50% a "Toxicity Identification Evaluation (TIE)" is required. TIEs are extremely expensive and rarely identify causes of toxicity. An alternative approach would be to evaluate additional lines of evidence, such as chemical analyses of samples collected synoptically with the toxicity samples to determine if there is sufficient exceedance(s) of water quality standards to explain the observed toxicity. If so, a TIE would likely be unnecessary. Replace the trigger column in Tables 8.1 and 8.3 with monitoring projects designed/implemented according to Provision C.1. A financial cap is needed for such monitoring projects.	We agree that the follow-up to exceedances should be more flexible, allowing options prior to TIEs. In addition, the Tentative Order does cap the number of follow-up actions to be taken during the Permit term, thereby providing a financial cap by default.	In the final column of Table 8.1, add a second step for follow-up to Toxicity & Diazinon & Chlorpyrifos-Water Column. Allow for the use of analytical chemistry techniques to identify the cause of toxicity before proceeding further (if the source is still not identified). Also, revise C.8.e.i. to allow the use of a Toxicity Reduction Evaluation.

Summary Response to Comments on Provision C.8. - Water Quality Monitoring

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SF Bay-keeper	56	C.8.c.	Stressor ID Triggers	Table 8.1 triggers for stressor ID project are vague. Define "repeatedly exceeds" (across sites, within waterbody, sampling events).	Agreed.	In Table 8.1, replace "repeatedly exceeds" with "20% of results."
Berkeley, ACCWP	MP-4b, MP-4b	C.8.c.	Stressor ID Triggers	Add new C.8.c.iii: "Trigger" results can lead to: 1) review of causes & follow-up in next annual report; 2) referral to local agency for mgmt; 3) countywide or regional Stressor ID project; OR 4) other reporting as described in C.1.	The Commenter's suggested menu would allow "no action" other than reporting, or referral to others with no other follow-up. We disagree that such options are appropriate. We agree that more options should be given.	In final column of Table 8.1, add a second step for follow-up to Toxicity & Diazinon & Chlorpyrifos-Water Column. Allow use of analytical chemistry techniques to identify the cause of toxicity. Also allow use of TREs.
SCVURPPP ATT A Berkeley, ACCWP	49 MP-2, MP-2	C.8.c.	Table 8.1 Temp	Remove Temperature at 15-Minute Intervals. Temp. changes typically aren't related to stormwater runoff. Note that temperature is measured during grab water sampling & bioassessments. Consider deleting temp requirement; redundant & dependant on riparian cover.	While 3 commenters ask not to monitor water temperature, there was very strong citizen support during the Permit development process for temperature monitoring. In addition, Water Board staff finds temperature data useful for interpreting how other contaminants found in urban runoff affect beneficial uses of creeks.	None
Berkeley, ACCWP San Jose SCVURPPP	MP-2 MP-2	C.8.c.	Table 8.1 Trash	Delete trash; it's disassociated from management areas.	We agree to delete trash monitoring from Provision C.8.	Delete trash monitoring from Provision C.8.

Summary Response to Comments on Provision C.8. - Water Quality Monitoring

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JamesRogerAtll SMCWPPPAtt3- Table SCVURPPP ATT A CCCWP Contra Costa Co. Supervisors WQM CCCWP Oakley, CCCWP JamesRoger Atll San Jose Att A CCCWP, Berkeley, ACCWP SCVURPPP ATT A	59d 3 53c 6b 6 6a 53, 8 6a 58 7, MP-3, MP-3 53b	C.8.c.ii.	Status Sampling	<p>Do not allow Permittees to select stations because of the experience with Santa Clara program's trash assessment reporting.</p> <p>Do allow Permittees to decide which waterbodies to monitor.</p> <p>Set guidelines and require Permittees to propose a schedule of rotating watersheds & locations in 1st year of permit term.</p> <p>Remove qualifiers to creek sampling locations. For example, simply indicate "Kirker Creek" instead of "Kirker Creek (at Pittsburg or below)".</p> <p>Remove 60% or more urban or suburban land use criteria. Replace with: "Samples shall be collected in reaches chosen scientifically to determine the character of the water quality in the main receiving water for each major watershed." The optimal sampling point may, or may not, be downstream of an area with at least 60 percent urban/suburban land use.</p> <p>Restore the criterion that "surrounding land uses are predominantly urban or suburban".</p>	<p>After considering all the comments on sampling locations, we determined the optimal approach is to describe (1) what must be sampled (stream reaches that receive urban runoff, rotating across all the major streams) and (2) the parameters for analysis, then allow Permittees to select exact sample locations based on their experience and knowledge of their creeks.</p> <p>We agree that the qualifiers to creek sampling locations were generally unworkable in the field.</p>	<p>Change Status Monitoring so that Permittees select water body reaches.</p> <p>Change Status Monitoring so that Permittees select water body reaches, as long as the reaches receive urban runoff.</p> <p>Rewrite to focus sampling efforts on reaches that receive urban stormwater runoff, without specifying that the catchment area must have 60% urban land use.</p>
JamesRoger Atll	61	C.8.d.	Monitoring Triggers C.1	Add to C.8.c & C.8.d. that results from implementing these provisions trigger the C.1 requirements to identify and implement additional BMPs.	We agree.	Add a statement that ties Provision C.1. requirements to monitoring results.

Summary Response to Comments on Provision C.8. - Water Quality Monitoring

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Berkeley, ACCWP SMCWPPPAtt3- Table San Jose Att A	MP-5, MP-5 4 59	C.8.d.i.	Long Term Mon. Location	<p>Revise: "each countywide program shall select 1 site, among Status watersheds chosen according to C.8.c., for Long Term monitoring in Years 2 & 4 and consulting with SWAMP."</p> <p>Inclusion of site selection criteria will not allow coordination with SWAMP.</p> <p>Do not require locations where surrounding land uses are primarily industrial, commercial and urban. Surrounding land uses are often not major contributors to water quality problems. Results must be interpreted in the context of the entire watershed at, above, and sometimes below the sampling point. Example: Guadalupe River where most of the contributing watershed is not urban and significant non-urban sources of mercury are well known.</p>	<p>We have discussed Long-Term Monitoring locations with Permittees, and it is our understanding that the updated list of waterbodies to sample is acceptable.</p> <p>In addition, we suggest sample locations that are near the bottom of the waterbody and that are also sampled by the SWAMP. If they choose to use these selected locations, Permittees may use SWAMP data to fulfill Permit requirements.</p>	Revise Table 8.3 to include optional waterbodies and to suggest, rather than prescribe, sample locations.
Berkeley, ACCWP	MP-6a, MP-6a	C.8.d.ii.	Table 8.3 methods	Delete wet weather sampling. Move dissolved & total metals to Category 2 in Table 8.5.	We disagree. One purpose of Long-Term Trends Monitoring is to evaluate mass emissions from MS4s, which requires wet weather sampling and analyzing for metals.	None
Berkeley, ACCWP	MP-6b, MP-6b	C.8.d.ii.	Table 8.3 methods	Delete water toxicity from text & table.	Water toxicity is an important indicator of water quality, and is monitored in lieu of more expensive monitoring of a	None

Summary Response to Comments on Provision C.8. - Water Quality Monitoring

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					larger suite of chemicals and compounds in the stream or at stormwater outfalls	
SF BayKeeper	59	C.8.d.ii.	Table 8.3 methods	Table 8.3 should list which organics are required. Is it all the organics that are listed in method 8260 or just a subset?	All the organics in Method 8260 are required. This is standard laboratory practice.	None
Contra Costa County Supervisors WQM	4	C.8.e.	Monitoring Projects-Prioritize	The 9 required monitoring projects are burdensome. Prioritize and phase implementation to ensure quality of data.	We disagree that further prioritization or phasing is warranted. As written, monitoring projects are phased, in that Stressor Identification is done after Status or Trends monitoring results trigger and action, and, if done collaboratively, such monitoring results are not expected until 2-3 years into the permit cycle.	None
SCVURPPP ATT A	55a	C.8.e.i.	Clarify cap	To avoid duplication of effort (such as a TMDL), the "cap" in C.8.e.1.(3) should integrate the language in the last paragraph of C.1 that states Permittees "do not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitation."	Agreed	State that Permittees do not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitation in C.8.e.1.iii.
SF Baykeeper	60	C.8.e.i.	Clarify cap	Clarify how Permittees will cap the number of stressor ID projects. What criteria will be used to prioritize?	Agreed	Clarify how Permittees should select stressor ID projects in C.8.e.1.iii.
CCCWP	16	C.8.e.i.	Clarify cap	Please clarify that BMP evaluation project does not trigger Stressor ID projects.	Agreed	In C.8.e.1.ii, state that this project cannot trigger a

Summary Response to Comments on Provision C.8. - Water Quality Monitoring

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						Stressor ID project.
BASMAA PUMP, Fairfield City, SCVURPPP, FSSD, San Mateo Co., Pacifica, SouthSF, Alameda City, Suisun, Berkeley, ACCWP	5-6, 11, 8, 12, 9, 6, 1, 18, 3, MP-9, MP-9	C.8.e.iii	Pump Station - General	Replace C.8, 11, & 12 pump station requirements with one requirement for permittees to work with BACWA and the sanitary sewer agencies to assess existing information & develop a work plan & time schedule to characterize possible stormwater pollutant problems with pump station discharges that identifies possible and recommended solutions depending on the types of problems identified.	After considering all comments, we determined all requirements related to pump stations should be in Provision C.2.	Delete Dry Weather Discharges & First Flush Investigations monitoring project.
Friends of Five Creeks	3	C.8.e.iv	Efficacy of geomorphic project	Given the 10,000 sq.ft. trigger in C.3 for treatment & one acre trigger for hydromodification control, do you think this requirement will help creeks? I think not. Other sections of C.8.e.iv. should be required, not optional, in order to monitor how storm flows affect incision, erosion, and the like.	We agree with the concept that runoff from urban development modifies creeks, but disagree that Permittees should be required to conduct additional geomorphic projects at this time, given the balance of the workload.	None

Summary Response to Comments on Provision C.8. - Water Quality Monitoring

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GCRCD-Att [Note to Dale: I removed about 5 other NGO comments on geomorphic project; probably should keep some in]	29	C.8.e.iv	Geomorphic project method	Why was Geomorphic Monitoring moved from the Monitoring Work Group's Table 8.1? Why was requirement for 3 geomorphic assessments/yr deleted? Now Permittees have the choice of performing more time-consuming, detailed, geomorphic field measurements or an easier stormwater retention location inventory: it is not difficult to guess which will be selected.	Geomorphic projects were moved from Status Monitoring so Permittees could more logically select project locations & to offer more types of projects. The number of Geomorphic Projects was reduced out of consideration of total monitoring costs.	None
CCCWP	22	C.8.f.	POC general	Regional Board should work with BASMAA to develop a regional pollutant of concern monitoring plan, combining C.8.d, within 2 years & implementation in 3 rd year.	We agree with this concept: that Permittees, working through a collaborative structure, may modify the design of the required monitoring. We disagree with the suggested timing, as some required POC monitoring is already underway.	Add a statement in C.8.a (Compliance Options) allowing a regional monitoring collaborative to alter the design (but not the types or quantities) of required monitoring.
SCVURPPP ATT A	60a	C.8.f.	POC timing	Allow time to "phase-in" POC monitoring stations, e.g., one for each countywide program could go "on-line" in year 2 & the other in year 4. This would allow programs to learn from monitoring conducted at a single site before adding an additional site. Considering that POC monitoring is likely to continue beyond the 5-year permit term to assess TMDL progress, a 1-2 year phasing process wouldn't significantly impact the intent of this monitoring requirement.	After consideration of this comment, we determined that monitoring requirements are adequately phased in, and no further phasing is warranted.	None

Summary Response to Comments on Provision C.8. - Water Quality Monitoring

File	Com No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
SMCWPPPAtt3-Table	6	C.8.f.ii.	POC methods	We have concerns about storm event monitoring conducted as described in MRP.	We realize storm event sampling requires more labor. However, wet weather sampling is necessary to evaluate mass emissions from MS4s and is required of MS4s across the country.	None
SCVURPPP ATT A	60b	C.8.f.iii.	POC methods	USEPA protocols cited are 16 years old, much has been learned. Revise this section to allow for alternate stations where POC monitoring will occur, and for science-based deviations in the POC monitoring design, including sampling frequency and interval listed in Table 8.5, based on the agreement of participants in the RMC and/or scientific panels/reviewers.	We agree that the USEPA protocols were cited in error. We agree that science-based deviations from the POC monitoring design should be allowed.	Remove reference to USEPA protocols. Add a statement in C.8.a (Compliance Options) allowing a regional monitoring collaborative to alter the design of required monitoring upon approval by the Executive Officer.
CCCWP Moraga Mayor	28 6	C.8.g.	Volunteers	Some new biological assessments parameters (periphyton, CPOM, pebble counts & cobble embededness) are beyond the capabilities of volunteers. We request these parameters be removed so volunteers can continue to collect these data.	While we encourage volunteer involvement, we cannot promote the collection of data that are inconsistent with data collected throughout the State and in our Region by SWAMP, especially when we need consistent data to develop indices for bioassessment data.	None

Summary Response to Comments on Provision C.8. - Water Quality Monitoring

File	Com No.	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
Contra Costa County Supervisors WQM SMCWPPPAtt3-Table ACCWP, Newark, Berkeley SCVURPPP ATT A, CCCWP Berkeley	5 8 11, 11, 27 62, 29, 26	C.8.h.	Report Timing	<p>Change the timeline for reporting on monitoring projects from 6 months, to 1 yr following data collection or in the next annual report.</p> <p>Have concerns about Nov. 30 due date for Electronic Report & Urban Creeks Mon. Report.</p> <p>The Nov. 30 due date for both reports has detrimental effects (lab rush charges, force local agencies to request reporting schedule adjustments for any regional collaboratives, reduce opportunities for stakeholder input to Urban Creeks Monitoring Reports). Resolve by clarifying who (Permittee or Regional Collaborative) is responsible for each requirement.</p> <p>Move the due date for Annual Urban Creeks Monitoring Report to at least 6 months after Electronic Data Reports are due (currently Nov. 30th).</p>	<p>Because most sampling for a given fiscal year will be completed by June, the raw data (electronic data report) should be transmitted within three months. Thus the due date for the electronic data report should be September 30 of each year. It follows that the comprehensive report should be submitted ten weeks later, by mid-December.</p>	<p>Change the due date for the electronic data report from November 30 to September 30.</p> <p>Change the due date for the Urban Creeks Monitoring (comprehensive) Report from November 30 to December 15.</p>

Provision C.10 Trash Reduction - Summary of Response to Comments

Provision C.10 - Trash Reduction – Summary Response to Comments		
Commenters	Comment	Response and Changes (if applicable)
CCCoEngrAdvisory, Oakland, San Pablo, Walnut Creek, Pleasanton, Dublin, Martinez, Oakley, AlamedaCo, Newark, ACCWP, Burlingame BJustimbaste, Dublin Mlander, Moraga, Orinda, Belmont, Pacifica, South San Francisco	C.10 lacks flexibility for Permittees to employ the most efficient actions on Trash reduction, too prescriptive, allow flexibility	Revised C.10 requirements are flexible, and allow Permittees to apply their knowledge of trash pathways to clean up Trash Hot Spots to the Trash Action Level
CCCoEngrAdvisory, CoCoCoSups, City of San Jose, Orinda, San Pablo, Dublin, Walnut Creek, Danville, Moraga, Pittsburg,	Trash Capture device installation requirement excessively costly	The revised C.10 trash capture device installation requirement is reduced over the previous Tentative Order requirement
Newark,	Combination of enhanced management and trash capture in same trash catchments is redundant	Revised C.10 does not require redundant trash management actions unless the Permittee finds it necessary to address the Trash Hot Spots.
CCCWP, Hearing-Concord Councilmember,	Trash not a problem everywhere, major parts of some communities have no trash problem	Revised C.10 allows flexible approach by Permittees, who decide trash hot spots, how to clean up trash hot spots, capture device placement
CCCoEngrAdvisory, Moraga,	Trash capture devices to L.A. full capture 5mm standard cause flooding	There are various trash capture devices and technologies. In general, an overflow pathway is maintained to avoid flooding. Lack of appropriate maintenance may allow certain devices to plug and cause flooding in extreme circumstances, just as storm drain inlets currently flood from trash and debris plugging in the absence of trash capture devices.
Save the Bay, GCRCD, S.F. BayKeeper	Trash is major problem in creeks and waters	Agreed – C.10 is a major first permit round step toward addressing this issue
Newark, Concord, Colma,	Trash impacts waters by various	Revised C.10 allows Permittees to apply their

Provision C.10 - Trash Reduction – Summary Response to Comments

Commenters	Comment	Response and Changes (if applicable)
	pathways – washoff, wind blown, direct dumping	knowledge of trash pathways to clean up Trash Hot Spots to the Trash Action Level
Friends of 5 Creeks,	Trash management requirements too weak	The management measures required strike an adequate balance to address the trash in waters impacts during this permit cycle. It is anticipated that additional measures will be required in future permit cycles with the Long Term Trash Management Plan as a road map.
Oakland, Alameda Co, Newark, ACCWP,	Trash capture device requirement and Enhanced Trash Management requirements are arbitrary, and do not take into account variation in Permittee type	In the Revised C.10, the Trash Hot Spot requirement is based on population and commercial land use, and the trash capture requirement is based on commercial land use, to more accurately tie these requirements to trash source scale.
San Pablo, Walnut Creek	Maintenance of the Trash Capture Devices, once installed represents another major cost burden for Permittees	Maintenance of trash capture devices is necessary, and may lead to increased costs, but in the case of drain inlet devices may reduce other maintenance costs to maintain the storm drain system.
South San Francisco, Oakland,	Trash in Creeks and other waters is a very complicated problem, with many stakeholders and involving major societal problems – a task force or multi-agency approach should be initiated.	We agree. The Revised Tentative Order includes great flexibility for the Permittees to approach the problem, as long as accountable progress occurs. A long range plan is also required. The proposed approach integrates with both aspects.

Municipal Regional Stormwater Permit
Summary of Comments and Responses for Pollutants of Concern (C.9, C.11-C.14)

C. 9 Pesticides

Commentors	Comment	Response and Changes (if applicable)
SF Baykeeper, NRDC, & Clean Water Action, Moraga, Oakley	The Permit should identify model Integrated Pest Management policies and ordinances.	Chapter 7 of the Basin Plan has a definition of IPM against which policies and ordinances can be evaluated. Also, the permit fact sheet explicitly suggests the Urban Pesticide Pollution Prevention Project (UP3) as a resource to support development of such policies and ordinances. The UP3 website has model policies and other helpful resources to help guide policy development.
Sunnyvale	Provision C.9.d.i (hiring IPM-certified contractors) is overly prescriptive in requiring the permittees to hire only IPM-certified contractors and will be almost impossible to achieve, as there is no IPM certification program available for all those licensed individuals who may apply pesticides.	The requirement to hire IPM-certified contractors already provides flexibility because it provides an alternative means of compliance if contracts require implementation of IPM.
Contra Costa Clean Water Program	Provision C.9.g to evaluate effectiveness is vague. The required analysis would be scientifically difficult, or impossible, and certainly beyond the realm of a practical mandate. A more reliable evaluation for assessing the effectiveness of pesticide source control measures include: 1) compliance with activity-based permit requirements, 2) changes in knowledge and awareness, and 3) changes in behavior and implementation of BMPs	Effectiveness may be evaluated in some of the ways suggested in the comment. Evaluating whether or not concentration or toxicity targets are met does not require analyses that are beyond the ability of permittees. This is a requirement taken directly from the Basin Plan amendment for the Diazinon and Pesticide-Related Toxicity TMDL and so it cannot be removed.
SMCWPPP, Brisbane	The required report for C.9.g should be due as part of the fourth Annual Report prepared under this permit and that the word “annually” be removed from the following title: “Annually, Evaluate Implementation of Source Control Actions Relating to Pesticides” of subprovision C.9.g.	We will make the suggested change.
Berkeley	Permittees do not have control in the free market place and it is beyond the City's authority for regulating sales and purchases. Local merchant, may not cooperate. [These] outreach requirements should be removed from	Since point-of-purchase outreach currently takes place through the Our Water Our World program, it is feasible. While not all retailers will cooperate, many do. This provision doesn't require full participation; it calls for a level

Pollutants of Concern – Summary Response to Comments

Commentors	Comment	Response and Changes (if applicable)
	Provision C.9 Pesticides Toxicity Control, and incorporated into Provision C.7 Advertising Campaign.	of effort comparable to the existing program.
SMCWPPP, Brisbane, Alameda City, ACCWP	There is no benefit to reporting on the number or pounds of outreach (C.9.h) material distributed. Brisbane recommends that the permit be modified to simply require information on the types of outreach material that were distributed.	Reporting the quantity of outreach materials distributed may not be a perfect measure of implementation, but it is simple and is far better than none at all. We have streamlined the reporting by not requiring the reporting in the Annual Reports by default, but only if requested by the Water Board staff for compliance checking.
Berkeley	There is no practical way for the City to identify the target audience for this outreach. [These] outreach requirements should be removed from Provision C.9 Pesticides Toxicity Control, and incorporated into Provision C.7 Advertising Campaign.	Cities are already conducting such outreach and must be having some success reaching a target audience. We suggest you confer with other municipalities to obtain ideas for how to proceed. You may also want to consider who needs the information (e.g. residents, specific businesses, etc.)
Sunnyvale, Contra Costa Clean Water Program, Oakley, Moraga	No mechanism is available to identify the percentage of its residents who hire “certified IPM providers” other than by performing expensive and time-consuming surveys of residents. This provision should be revised to allow agencies the flexibility to choose how they will implement the requirements to utilize IPM methods within those areas where they have jurisdiction.	The provision says "may include" so the surveys are a suggestion. If permittees can provide a better metric, they may do so.
San Jose	Please place the words “Permittees may” in front of the sentence “Work with DPR,...”in order to maximize outreach effectiveness and to maintain permit compliance should one of the above listed entities become defunct or otherwise ineffective for collaboration on this issue.	Flexibility will be added in this regard. We will divide the sentence in two, require working with DPR and the Ag Commissioners, and say "may work" with respect to the others.

Pollutants of Concern – Summary Response to Comments

C.11, C.12 Mercury and PCBs

Total Number of Commenters and Names of Commenters	Comment	Response and Changes (if applicable)
SF Baykeeper, NRDC, & Clean Water Action	The Permit should identify the basis/criteria on which the PCB and mercury pilot project locations will be selected other than just being evenly distributed.	Other criteria are suggested in the Provision. Namely, locations of elevated PCBs or mercury concentrations, and technical and economic feasibility. There were additional considerations given in the revised Tentative Order.
ACCWP	The T.O. specifies levels of implementation that go beyond the previous discussions between WB staff and BASMAA and other stakeholders, or what we can confidently say is cost-effective with current knowledge. Provisions C.11.d-f should be chosen primarily on the basis of the potential for reducing PCB loads, but consideration will be given to mercury removal in the final design and implementation of the studies”.	The tentative order is faithful to the discussions between Water Board staff and BASMAA and other stakeholders as well as the TMDLs. The large majority of provisions for PCBs and mercury are implemented at the pilot scale. All of these provisions have already been selected on the basis of their potential for reducing PCBs loads. These are the final choices from a larger list of candidate actions that were chosen through discussions between the Water Board, BASMAA and other stakeholders.
Moraga Mayor	The draft MRP requires many new studies, plans, surveys, and detailed reports. Permittees not only do not currently have the needed expertise on staff, but do not have the staffing capacity or funding to conduct or contract for all the required studies. The Regional Board must either eliminate some of the studies or prioritize their implementation.	The C.11 through C.14 provisions have been identified as priority areas for implementation. Provisions for mercury, pesticides, and PCBs come directly from adopted or nearly-adopted TMDLs. Further, the provisions have already been prioritized and nearly every provision for PCBs and mercury is to be implemented at a pilot level of implementation in order to determine effectiveness prior to wide-scale implementation. Based on the TMDL implementation schedule, permittees must begin a variety of efforts this permit term if they wish to attain the load reductions required in the TMDLs on which these provisions are based.
Moraga Mayor	It is not the local agency's role to develop TMDLs. The draft MRP not only requires studies to determine current pollutant loadings, but also directs the permittees to essentially develop the TMDLs. This requires local agencies to address regional problems and coordinate with other State agencies to do so.	The permittees are not being required to develop TMDLs, but they do have a responsibility to implement management measures stemming from TMDLs, and they also have a responsibility to assess their cause and contribution to the violation of water quality standards.
SMCWPPP	Permittees should work with BACWA to develop a plan for a feasibility study (for diverting stormwater to POTWs). In addition, SMCWPPP recommends that the permit be modified to state that the municipalities will assist the regulatory oversight agencies to identify funding and/or potential responsible parties to	Permittees are free to work with BACWA and sanitary sewer agencies as they comply with diversion-related provisions, but the specific proposal to simply develop a plan for diversions by the end of the permit term is not acceptable.

Pollutants of Concern – Summary Response to Comments

Total Number of Commenters and Names of Commenters	Comment	Response and Changes (if applicable)
	implement diversions of stormwater pump stations flows, if any diversions are found to be appropriate, and/or implement other potential BMPs.	
Hayward	Wastewater treatment plants are designed to treat biological waste and not the pollutants that the MRP is trying to address with the required diversion pilot projects (mercury and PCBs). Diverting such pollutants to the POTW could affect treatment processes and result in NPDES effluent limitation violations.	No diversion project will be implemented or required for POTWs that can demonstrate that such diversion would result in exceedance of NPDES effluent limitations or that does not have the hydraulic or treatment capacity to handle the diverted water during the target period of diversion. There may be jurisdictions that do not have such capacity, but some certainly do have such capacity. Capacity and effluent limit considerations should be addressed during feasibility assessment component of these provisions.
Santa Clara	No analysis has been conducted to determine the effects that these POTW diversion requirements will have on the POTW's. The POTW's may not be adequately sized to accommodate these increased flows. Additional funding not currently available, would be necessary to expand POTW treatment capacity.	No diversion project will be implemented or required for POTWs that can demonstrate that such diversion would result in exceedance of NPDES effluent limitations or that does not have the hydraulic or treatment capacity to handle the diverted water during the target period of diversion. There may be jurisdictions that do not have such capacity, but some certainly do have such capacity. Capacity and effluent limit considerations should be addressed during feasibility assessment component of these provisions. There is no requirement for POTWs to expand their capacity. The intent is to use existing spare capacity where it exists.
San Jose Attorney	POTW diversion provisions do not take into account possible technical and legal restrictions on the use of POTW infrastructure and capacity for stormwater. Technical and legal constraints should be explicitly mentioned as criteria for evaluating feasibility. Consideration of such diversions should be predicated on a collaborative feasibility study with wastewater agencies before being required as a permit provision.	There is little point to state all the criteria that may come into play for a feasibility assessment. The current wording does not preclude consideration of technical or legal constraints so it is not necessary to explicitly include such constraints. The provision already mentions a feasibility assessment. We cannot accept the proposal to conduct the feasibility study before establishing diversion-related requirements in the permit.
Sunnyvale, South San Francisco, BASMAA, Burlingame, San Mateo Co., SCVURPPP	Pump station diversion requirements should be replaced with a single requirement for the permittees to work with the sanitary sewer agencies to assess existing information and develop a work plan to characterize the possible stormwater pollutant related problems. proposed approach is: 1) develop (Bay Area wide) an inventory of municipally owned stormwater	Permittees are free to work with BACWA and sanitary sewer agencies as they comply with diversion-related provisions, but the specific proposal to simply develop a plan for diversions by the end of the permit term is not acceptable.

Pollutants of Concern – Summary Response to Comments

Total Number of Commenters and Names of Commenters	Comment	Response and Changes (if applicable)
	pump stations, 2) characterize operations, 3) collect general water quality data sufficient to characterize potential water quality issues, and 4) identify criteria to evaluate potential solutions and to develop recommended guidance to prioritize and implement appropriate solutions.	
Contra Costa Clean Water Program	Provision C.11.b (methylmercury monitoring), along with provision C.8.f, as written, won't yield any useful information about factors leading to methylmercury production and bioaccumulation. Is the management endpoint the Bay or the creeks? If the Bay, then the RMP mercury strategy should be the appropriate mechanism for investigating this.	The resolution remanding the SF Bay Mercury TMDL to the Water Board requires methyl mercury monitoring in all NPDES permits. Gaining an understanding of methyl mercury concentrations discharged to the Bay and in creeks is valuable for assessing the contributions of runoff to the Bay. There is currently little or no information on this parameter.
San Jose, Burlingame, SMCWPPP, Sunnyvale, Dublin, Daly City, SCVURPPP, Mountain View, Milpitas	The State is responsible for regulating discharges to land that may impact water. Local jurisdictions should not be responsible for abatement on private property but should reasonably limit their responsibility to advocating cleanup and prohibiting exposure of the storm sewer system to pollutants from the site. Request that the language be revised to clarify that municipalities are not responsible for cleanup and abatement activities on private properties.	We added language to these provisions (C.11.c, C.12.c) clarifying the municipal role in implementing provision for private and public lands. Specifically, we clarified that permittees are not solely responsible for conducting abatement on private property, but they are responsible for making sure oversight is established in such circumstances, and they are also responsible for contaminants located on public rights-of-way and in the stormwater conveyance system.
SCVURPPP, ACCWP, Berkeley, SMCWPPP	Municipalities should do a feasibility study and cost analysis of enhanced sediment management practices. If grant funds are made available, up to two drainage areas should be selected for pilot testing of appropriate enhanced sediment management practices based on the feasibility study. Implementation actions to begin on July 1, 2011 should be eliminated from the permit because mercury-related activities during the five-year permit term should be limited to cost-effective pilot studies that are funded by state grants. Clarify that not all management measures may be feasible in pilot watersheds.	The Water Board cannot accept the proposal that these requirements should be contingent on availability of grant funds. The TMDLs for mercury and PCBs require large reductions from urban runoff, and the pilot tests required by this permit are an appropriate and reasonable first step toward achieving these reductions. Limiting action to a feasibility study and cost analysis and pilot testing contingent on grant funds is simply not consistent with the efforts needed to address these pollutants of concern.
Berkeley, SCVURPP, Contra Costa Clean Water Program	Clarify that any prioritization or selection of pilot sites for C.11.d-f will be made on the basis of potential PCB reductions.	We will make that clarification.

Pollutants of Concern – Summary Response to Comments

Total Number of Commenters and Names of Commenters	Comment	Response and Changes (if applicable)
SCVURPPP, ACCWP, Berkeley, SMCWPPP	Remove “evenly distributed” criterion from this provision. Retrofit pilot testing should only be done if there are grant monies available and only at up to three sites. Pilot testing needs to be limited to be cost-effective, and the permit needs to allow flexibility in case the five pilot drainages in C.11.c. (no. 3) are found to be inappropriate locations for this testing.	We will clarify selection criteria for the pilots. The Water Board rejects the request of the commenter regarding making this requirement contingent on grant funds. The requirement to select only 5 drainages throughout the entire Bay Area is achievable.
SF Baykeeper, NRDC, & Clean Water Action	The risk-reduction language in Provisions C.11.i. and C.12.i. must be strengthened to implement specific requirements of the Basin Plan resulting from the mercury and PCBs TMDLs. Language is inadequate to ensure dischargers will fully participate in fulfilling the commitments in the Basin Plan. Language must state clearly that dischargers have a responsibility to ensure that actions necessary to truly reduce the amount of contamination fishers are exposed to are taken and that health impacts are addressed. At the very least, language from the Basin Plan should be incorporated into the MRP, while also reflecting the need to work with local communities to develop effective strategies	This Provision comes directly from the mercury and PCBs TMDL and is consistent. There are similar requirements in permits for wastewater sources, and these Provisions will be harmonized with those existing requirements.
Berkeley, ACCWP, SCVURPPP, SMCWPPP,	Modify permit to allow municipalities to comply with the risk reduction task by participating in BASMAA’s public outreach and education efforts conducted in cooperation with BACWA, OEHHS, and Department of Public Health to address mercury-related risks from consuming bay fish. This requirement should not be imposed on municipalities whose MS4 drains to the ocean.	This Provision comes directly from the mercury and PCBs TMDL and is consistent. There are similar requirements in permits for wastewater sources, and these Provisions will be harmonized with those existing requirements. Permittees are encouraged to work collaboratively and employ efforts to target locations where risks of eating Bay fish are most pronounced.
BASMAA	The tentative order has provisions that are not consistent with the PCB TMDL or don’t implement it in a cost-effective manner. Two examples are industrial inspections for PCBs and enhanced sediment removal and management. Consistent with the PCB TMDL, we’d like to see the tentative order revised to make all PCB efforts during the permit term on the pilot scale.	All the provisions are consistent with and derived from the mercury and PCBs TMDLs. The overwhelming majority of mercury and PCBs-related measures are implemented on pilot basis during the first permit term. The only PCB action slated for full implementation this permit term is C.12.a - the measure regarding finding PCBs during inspections. It makes sense to implement this throughout the region as an additional, low-cost component to industrial inspections.

Pollutants of Concern – Summary Response to Comments

C.13 Copper

Total Number of Commenters and Names of Commenters	Comment	Response and Changes (if applicable)
SCVURPPP, SMCWPPP	<p>Modify provision C.13.b to indicate that this requirement should not be imposed in areas of the county that rely on septic systems. The TO should incorporate flexibility where discharge to the sanitary sewer is not feasible.</p> <p>This should be modified to apply only to new connections where there is adequate sewer capacity to accept these discharges. In addition, this requirement should not be imposed in areas of the county that rely on septic systems.</p>	Municipalities retain autonomy regarding restrictions and conditions in the prohibition or ordinance.
SCVURPPP, SMCWPPP, ACCWP, Berkeley	Delete the proposed “desktop study to evaluate the implementation of enhance treatment system design, operation and maintenance efforts” to “minimize the amount of brake pad-associated copper from reaching the Bay.” The Water Board may want to consider using grant funds or requiring that the manufacturers of these products conduct these types of studies.	We will delete this requirement.
Moraga, Oakley, San Jose, Contra Costa Clean Water Program, SCVURPPP, SMCWPPP	<p>Conducting the special copper studies of Provision C.13.e is more properly implemented by the Department of Fish and Game, or the State Water Resources Control Board under the programs supporting its “Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California”, or Water Quality Order No 2004-0009-DWQ?</p> <p>Remove this provision since there are numerous other high priority requirements. Copper is a lower priority than other POCS included in the Tentative Order. If this provision is included, use local species and natural test waters from relevant local receiving waters. This Provision should be coordinated between BASMAA and BACWA to avoid duplication of effort since similar requirements are contained in POTW permits.</p> <p>This belongs under the RMP, as a special study. This provision inappropriately delegates the Regional</p>	These requirements come directly from the Basin Plan amendment establishing the site-specific objective for copper in the Bay. These same requirements will appear in all NPDES permits in the Bay Area.

Pollutants of Concern – Summary Response to Comments

Total Number of Commenters and Names of Commenters	Comment	Response and Changes (if applicable)
	Board's duties to develop TMDL information. We request that you simply state that this requirement may be fulfilled by an RMP special study, and commit to supporting the special studies at the RMP technical committee and steering committee.	

Provision C.15 - Exempted and Conditionally Exempted Discharges – Summary Response to Comments

File	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
GCRCD Att	C.15.a.	Exempted Discharges	C.15.a.ii. states that the non-stormwater discharges listed in C.15.a.i are exempted unless they are identified by the Permittees or the Executive Officer as sources of pollutants to receiving waters. How will the Executive Officer identify non-stormwater discharges as sources of pollution and what criteria will be used? What are considered sources of pollution?	The Tentative Order (TO) prohibits unauthorized polluted discharges from any sources to waters of the State. The exempted non-stormwater discharges listed under Provision C.15.a.i. are naturally occurring flows or NPDES permitted discharges. However, these discharges will be regulated if the Permittees or the Executive Officer are notified or receive complaints that such discharges are degrading beneficial uses of waters of the State.	None
Brisbane CCCSD Fremont SMCWPPPAtt 3	C.15.a. C.15.b.	Exempted and Conditionally Exempted Discharges	All of the exempted and conditionally exempted discharges should be limited to ones that discharge to an MS4 owned or operated by a municipality covered under the permit. The TO specifies instances where stormwater must be discharged to the sanitary sewer. Many municipalities lack the authority to allow discharges to the sanitary sewer.	It is implicit that the discharges listed are limited to those that discharge into the Permittees' storm drain systems. We have added language that discharges to the sanitary sewer are subject to the local sanitary agency's authority and standards.	Provisions C.15.a. and b. have been revised to specify that discharges to the sanitary sewer are subject to the local sanitary agency's authority and standards.
ACCWP Att 1 Brisbane Burlingame Colma Livermore Oakley San Jose San Jose Attny SMCWPPP Att 3 SCVURPPP SCVURPPP Att SCVURPPP - Olivieri, A	C.15.b.	Conditionally Exempted Discharges Monitoring & Reporting	This Provision's level of regulation represents overkill on managing minor types of non-stormwater discharges that pose a limited threat to water quality. It requires burdensome and labor intensive analytical testing and reporting on discharges unlikely to contribute pollutants to the storm drain system. The existing stormwater permits contain a simple list of BMPs that would need to be implemented to address minor non-stormwater	The BMPs in existing permits lack specificity and have not been adopted by all Permittees. This Provision's proposed BMPs are adapted from the current stormwater management plans of some stormwater programs and represent the minimum acceptable control measures for the various types of discharges. The self-implementing nature of these minimum, yet tangible, BMPs will ensure compliance and discourage unauthorized discharges to waters of the State with minimum regulatory oversight.	Provision C.15.b.iii.(2)(d) has been revised to allow a reduction in monitoring after 18 months of consecutive data gathering if certain conditions are met. Also, Provision C.15.b.iv.(2) has been revised to require Permittees/dischargers to keep records of authorized major discharges of dechlorinated pool, spa and fountain water, instead of reporting them in the

File	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
S San Francisco Sunnyvale Att A			<p>discharges. This list is sufficient and should be used instead of the proposed language in the MRP TO. The introductory paragraph of Provision C.15.b. should be revised to read as follows: <u>"... or if they are identified as sources of pollutants to receiving waters, that BMPs/control measures are developed and implemented, as the Permittee deems appropriate to address the threat posed to water quality, including consideration of the tasks and implementation levels of each category of Provision C.15.b.i-vii below."</u></p>	<p>Revising the language to state that Permittees need only consider these BMPs will create inconsistencies among the Permittees' service areas and will not be protective enough of receiving waters. The Provision's monitoring requirements apply only to pumped groundwater from dewatering and planned potable water discharges. Both types of discharges must be tested to verify that they will not violate surface water quality standards to ensure that they will not degrade the receiving waters. These monitoring results are not required to be submitted to Board staff; the Permittees need only keep records of their activities and make the data available to regulatory agencies upon request.</p>	annual report.
San Leandro Berkeley	C.15.b.i	Foundation & Footing Drains Crawl Space Water <i>Add to Exempted Discharges</i>	Foundation drains, water from crawl space pumps and footing drains are a structural safety requirement relating to the integrity of a building. They are used to remove collected rain water, rising ground water and infiltration. Remove C.15.b.i. from conditionally exempted non-stormwater discharges and add it to C.15.a, exempted discharges.	We understand that these types of discharges are necessary for the structural safety of buildings; however, they may contain concentrations of pollutants that will have negative impacts on the receiving surface water stream. Therefore, as for groundwater, these types of discharges must be tested and may only be conditionally exempted.	None
CCCWP	C.15.b.i(1)	Foundation & Footing Drains Crawl Space Water <i>Single-family Home Exemptions</i>	Change C.15.b.i (1) to read: "(a) These discharge types shall, if necessary, be properly managed treated before discharge to remove pollutants, including, but not limited to, total suspended solids (TSS) or silt to allowable discharge levels. Appropriate BMPs to render pumped groundwater free of pollutant and therefore exempted from prohibition may include the following: filtration, settling, coagulant application with no residual coagulant discharge, minor odor or color removal with	We intended to make this revision in the Revised Tentative Order, but it was omitted due to a clerical error. We will make this revision prior to Board Consideration	New language is likely to be added to Provision C.15.b.i, which reads as: "Discharges charges from existing single family homes, new and small temporary discharges that begin and end within six month, discharges to landscaping, from foundation drains, crawl space pumps and footing drains shall not be subject to monitoring and reporting requirements of this Order when unpolluted."

File	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
			<p>activated carbon, small scale peroxide addition or other minor treatment. <u>In the case of single family homes, discharges to landscaping from foundation drains, crawl space pumps and footing drains are exempt from Prohibition A.</u>"</p> <p>Rationale for change: Residential (i.e., single family homes) foundation drains, crawl space pumps, and footing drains are quite common in the Bay Area due to our topography and predominance of clay soils. It is impractical to require an individual homeowner to comply with the monitoring requirements outlined in this provision.</p>		
Belmont Brisbane Colma Contra Costa Co Supervisors Contra Costa Co -SwartzD Daly City SMCPPP Att 3 SCVURPPP Att	C.15.b.i.(1)	Pumped Groundwater <i>Excessive Testing</i>	<p>The following requirements are too prescriptive, including:</p> <ul style="list-style-type: none"> • excessive testing for suspended solids, total petroleum hydrocarbons, volatile organic compounds, and metals; • application to all jurisdictions; • no consideration of the nature of the potential pollution threat that the non-stormwater poses, • maintenance of records of implemented BMPs that constitutes an absurd administrative exercise. 	<p>The TO requires initial testing, and if necessary, continuous monitoring specifically for polluted groundwater from dewatering systems. This requirement is consistent with the Water Board's policy that treated groundwater must meet existing effluent limitations before discharge to waterways to preserve the beneficial uses of waters of the State.</p> <p>Please note the additional likely revision related to single family homes and foundation drains. We intended to make this revisions in the Revised TO, but it was omitted due to a clerical error. The intent of Provision C.15.b. is to facilitate Permittees in regulating discharges to the storm drains since the Permittees have responsibility for what flows in those storm drains to the receiving waters. BMPs for pollution control must be implemented, if deemed necessary.</p>	<p>The TO added a new provision objective, which reads as: "The objective of this provision is to exempt unpolluted non-stormwater discharges and identify, employ appropriate BMPs, and monitor non-stormwater discharges that are potential sources of pollutants and to ensure development and implementation of effective control measures to eliminate adverse impacts to waters of the state consistent with the discharge prohibitions of the Order."</p> <p>New language is likely to be added proposed to be added to Provision C.15.b.i, prior to Board consideration which reads as follows: <u>"Discharges from existing single family homes, new and small temporary discharges that</u></p>

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					<u>begin and end within six month, discharges to landscaping, from foundation drains, crawl space pumps and footing drains shall not be subject to monitoring and reporting requirements of this Order when unpolluted."</u>
Brisbane CCCWP Daly City SMCWPPP Att 3	C.15.b.i.(1)(b)	Pumped Groundwater <i>Reporting</i>	Do not require Permittees to report new discharges of uncontaminated groundwater at flows of \geq 10,000 gallons per day (gpd) to the Water Board and local agencies prior to discharge. Since such discharges are already regulated by Water Board Order R2-2007-0033, the change will relieve Permittees from strict reporting and enforcement responsibilities.	Originally, the MRP Administrative Draft required that flows of 50,000 gpd or more be reported to the Water Board. However, some municipalities wanted to reduce their oversight role and requested that we lower the reporting flowrate trigger to 10,000 gpd, which is consistent with the terms of Order No. R2-2007-0033.	Provision C.15.b.i.(1)(b) has been revised to include a statement of consistency with Board Order No. R2-2007-0033.
CCCS	C.15.b.i.(1)(d)	Pumped Groundwater <i>Analytical Methods</i>	This Provision requires the analysis of water samples by methods that are not approved Water/Wastewater methods listed in 40CFR Part 136 (e.g. USEPA Method 8260 is a solid waste analytical method). In the wastewater field, use of methods that are not approved Water/Wastewater methods can result in non-compliance for the agency either using them, or allowing them to be used in a self-monitoring program. Specify that water samples used to demonstrate compliance be analyzed using approved Water/Wastewater methods.	We disagree with the comment. USEPA Method 8260 is widely used by numerous environmental laboratories for analysis of volatile organic compounds (VOCs). This method is generally applied to multi-media and matrices with a wide range of analyte concentrations. The method is used by groundwater monitoring programs because its low detection limits allow comparison with drinking water standards. Therefore, non-stormwater discharges from groundwater dewatering systems must employ this method or its equivalent to analyze groundwater samples for the presence or absence of VOCs before discharge to storm drains or receiving waters.	None
CCCS San Leandro	C.15.b.ii.(1)	Air Conditioning Condensate <i>Discharge to Sanitary</i>	Air conditioning condensate is expressly prohibited in the Source Control Ordinance from being discharged to CCCSD. Revise the text to defer to the standards and	We agree that the sanitary sewer agencies must be consulted.	We have made revisions to clarify that the POTW must be consulted in such instances.

File	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
		Sewer	approval authority of the sanitary sewer agencies regarding potential disposal of this wastewater to the sanitary sewer.		
Moraga Oakley	C.15.b.iii.	Potable Water Discharges <i>Question</i>	This Provision requires Permittees to report unplanned, planned and emergency discharges. Does this mean that the Permittees are to attempt to determine who might be a potential discharger and attempt to monitor that activity?	Permittees have ultimate responsibility for their storm sewer systems so they must ensure that any discharge to the storm drains, including potable water discharges, do not violate water quality standards. Potable water discharges can occur because Permittees or other entities conduct routine installation, operation and maintenance activities in the potable water distribution system. This Provision requires Permittees to comply or require potable water dischargers to comply with the BMP, notification, and reporting requirements specified.	None
Brisbane Burlingame Colma Daly City Milpitas Mountain View Palo Alto San Jose San Jose Att A SCVURPPP Att SCWWD SMCPPP Att 3 S San Francisco	C.15.b.iii.	Potable Water Discharges <i>Prescriptive testing and reporting</i>	<ul style="list-style-type: none"> Provision C.15.b.iii requires too prescriptive monitoring and reporting requirements for potable water discharges. MRP should establish a de minimus threshold of 5,000 gallons for reporting unplanned discharges of potable water to storm drains. Potable water discharges do not contribute pollution to water quality. Existing BMPs are effective and the TO should be revised to eliminate the testing and reporting requirements or at least to increase the volume thresholds of testing and reporting. Discharge benchmarks for pH, chlorine residual, and turbidity are overly prescriptive and in some instances are unrealistic and expensive. 	<ul style="list-style-type: none"> Potable water discharges contribute pollution to water quality because they contain chlorine or chloramines, two very toxic chemicals to aquatic life. Minimum monitoring, particularly for planned discharges, for pH, chlorine residual, and turbidity is crucial to prevent degradation of water quality. The existing BMPs for non-stormwater discharges lack specificity and not all Permittees have adopted them. This Provision establishes minimum requirements to heighten accountability and consistency among Permittees. Board staff met with Water Utility representatives in February 2008 and in response to concerns about burdensome monitoring, we have substantially reduced the monitoring requirements. 	This Provision has been revised to require notification for planned discharges with a flowrate of \geq 250,000 gpd or a total volume of \geq 500,000 gallons and for unplanned discharges \geq 50,000 gpd. Other changes have been made to minimize the monitoring and reporting requirements, particularly for unplanned potable water discharges.
Belmont	C.15.b.iii.	Potable Water	Permittees do not have authority to	Permittees have ultimate responsibility for	None

File	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
Belmont - Birrmann, K Burlingame CCWP Ltr Contra Costa Co Supervisors Contra Costa Co - Swartz, D Danville Oakley Portola Valley San Pablo S San Francisco		Discharges <i>Regulatory Authority</i>	oversee water districts when discharging planned or unplanned potable water discharges. Oversight of water districts should remain a responsibility of the Water Board.	discharges into their storm sewer system; therefore, they must control these discharges to their storm drain inlets or conveyance systems to minimize their liability and eliminate any illegal actions or illicit discharges. This Provision requires Permittees to make potential potable water dischargers aware of the compliance requirements. All significant discharges (i.e., \geq 250,000 gpd planned and \geq 50,000 gpd unplanned discharges) must be directly notified to the Water Board.	
SF Baykeeper, NRDC, & Clean Water Action	C.15.b.iii.	Potable Water Discharges <i>Lack of Minimum BMPs</i>	Places where this Provision requires "appropriate" BMPs should be revised to include a BMP menu list of the minimum BMPs that must be implemented.	The water utilities and districts have already established BMPs for potable water discharges. We have established monitoring, effluent benchmarks, and reporting compliance requirements.	None
CCWP	C.15.b.iii.(1) C.15.b.iii.(2) C.15.b.iii.(3)	Potable Water Discharges <i>Request for Meeting</i>	These Provisions are unacceptable. Permittees request a special meeting with Water Board staff and other stakeholders (e.g., Water Supply Districts, Fire Districts, and others) to identify an appropriate regulatory framework for addressing these discharges.	Water Board staff met with water utilities in February 2008 during the period for public comment.	Substantial changes have been incorporated into the TO as a result of the February 2008 meeting.
Daly City	C.15.b.iii.(1)(b)(ii) C.15.b.iii.(1)(b)(iii) C.15.b.iii.(2)(c)(ii)	Potable Water Discharges <i>Reporting</i>	Monthly reporting is unrealistic. What would be the benefit of monthly reporting? What is the objective for the anticipated use of considerable staff resources? Annual reporting would be sufficient.	Monthly electronic reporting of significant discharge would allow Water Board staff to evaluate the nature of the discharges, procedures followed, and to provide appropriate regulatory guidance as necessary for future events, planned or unplanned.	None
ACFCD Zone 7 AWCD	C.15.b.iii.(1)(b)(iii) C.15.b.iii.(1)(c)(i) C.15.b.iii.(2)(d)	Potable Water Discharges <i>Monitoring</i>	Because of logistical challenges such as location and restricted site access, monitoring of receiving waters during unplanned potable discharges should be restricted to visual observation only. Also, monitoring may yield inaccurate	We agree.	These Provisions have been revised to reflect the comments.

File	Prov. No.	Key Word(s)	Comment	Response	Proposed MRP Revision
			results since such discharges may travel several miles of storm drain pipelines before entering a receiving water, possibly being exposed to potential contamination from other sources.		
Daly City	C.15.b.iii.(1)(c)	Potable Water Discharges <i>pH Discharge Benchmarks</i>	Raise the pH benchmark to 9.5. because SFPUC water is routinely between 8.5 and 9.0 and sometimes above 9.0 for pH.	We disagree. A pH of 9 or above violates water quality objectives and is not consistent with the Basin Plan, which requires a pH range between 6.5 and 8.5.	None
Moraga Oakley San Jose Att A	C.15.b.iii.(1)(c)(i) C.15.b.iii.(2)(d)(i)	Potable Water Discharges <i>Worker Health and Safety</i>	These provisions as drafted do not reflect a priority for worker health and safety, and do not reflect EPA's position that drinking water system releases pose minimal threat to the environment. The AWWA guidelines cited in the Tentative Order emphasize that unplanned discharges present "...an emergency situation where public safety is the immediate and primary concern. In this situation, the implementation of BMPs should not interfere with immediate emergency response operations or impact public health and safety".	Potable water when discharged untreated directly to surface waters can have major negative impacts because they contain chlorine or chloramines, two very toxic chemicals to aquatic life. Therefore, the requirements for monitoring and BMPs are appropriate.	These Provisions have been revised to allow for visual assessments where there are logistical challenges. For high priority unplanned discharges, we have added language requiring notification within two hours to the State Office of Emergency Service (OES).
Brisbane Contra Costa Co Supervisors SMCWPPP Att 3	C.15.b.iv.	Conditionally Exempted Discharges <i>Individual Residential Car Washing</i>	Requirements on individual car washing should be relocated to Provision C.7. since the required effort is mainly public outreach and education.	We agree. Note Revision.	The requirements for individual residential car washing have been removed from Provision C.15.
Alameda City BACWA CCCS CCCWPP Contra Costa Co Supervisors James, Roger Moraga Oakley	C.15.b.v.	Swimming Pool, Hot Tub, Spa, Fountain Water Discharges <i>Discharge to Sanitary Sewer</i>	<ul style="list-style-type: none"> It is unreasonable to require Permittees, who may not have legal authority, to monitor these types of discharges from private property. In areas with no access to the sanitary sewer, it is infeasible to implement the requirements; 	We believe connection to the sanitary sewer will guarantee treatment and reduce potential impacts associated with direct discharges of swimming pools, spas, hot tubs, and fountains into the storm drains or receiving waters without pretreatment. We strongly encourage local POTW authorities to accept these types of non-stormwater discharges to their systems, especially for	Provision C.15.iv.(1)(c) is revised to state that " Permittees shall require that new or <u>rebuilt</u> swimming pools, hot tubs, spas, and fountains within their jurisdiction <u>have a</u> connection to the sanitary sewer <u>to facilitate draining</u> events. Permittees shall

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SMCWPPP Att 3			<p>therefore, revise the TO to encourage that these discharges go to the sanitary sewer, but acknowledge that it may not always be possible.</p> <ul style="list-style-type: none"> • Accepting discharges from new and remodeled systems will create large surface areas exposed to rainfall that will discharge excessive rainwater to the sanitary sewer system. Remove this requirement for new or remodeled pools, spas, and fountains to be connected to the sanitary sewer or qualify the requirement to only apply if permitted by the POTW. Also include some assurances that there are controls on swimming pool diversions. • The Water Board must seek approval from EBMUD prior to mandating this treatment method in the City of Alameda. 	<p>new and rebuilt ones where the connection could be achieved with marginal effort. The TO requires that swimming pools, spas, hot tubs, and fountains be connected to sanitary sewer systems where feasible and if approved by local sanitary sewer agencies. In remote areas where there is no access to sanitary sewer systems, these types of discharges shall be directed to landscaping or vegetated areas away from water ways.</p>	<u><i>coordinate with local sanitary sewer agencies to determine the standards and requirements to enable the installation of a sanitary sewer discharge location to allow draining events for pools, spas, and foundation to occur with the proper permits from the local sanitary sewer agency."</i></u>
San Jose Att A	C.15.b.v.(1)(a) C.15.b.v.(1)(b)	Swimming Pool, Hot Tub, Spa, Fountain Water Discharges <i>Overlap with Provision C.13.b.</i>	<p>This section should be reviewed for consistency with C.13.b. One requires the prohibition of discharges from pools, spas, and fountains and the other allows it under certain conditions. The conditions should be reviewed for consistency.</p>	<p>Comment is noted, and Provision C.13.b has been revised along with Provision C.15.b.iv.(1)(c) above.</p>	<p>See revised C.15.b.iv.(1)(c) language above.</p>