(9/23/14) Board Meeting
Draft Drinking Water Systems General Permit
Deadline: 8/19/14 by 12:00 noon

OTAY WATER DISTRICT ESTABLISHED 1956
...Dedicated to Community Service
2554 SWEETWATER SPRINGS BOULEVARD, SPRING VALLEY, CALIFORNIA 91978-2004
TELEPHONE: 670-2222, AREA CODE 619 www.otaywater.gov

RECEIVED
8-19-14
SWRCB Clerk

August 19, 2014

Mr. Tom Howard
California State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812

Re: Statewide National Pollutant Discharge Elimination System (NPDES) Permit for Drinking Water Discharges to Surface Waters

Dear Mr. Howard,

The Otay Water District (District) is a retail water agency serving a population of approximately 213,000 customers. As water suppliers, we recognize the importance of protecting water quality in our region and the need for implementation of best management practices associated with drinking water discharges. The District currently operates under the General Waste Discharge Requirements for Discharges of Hydrostatic Test Water and Potable Water to Surface Waters and Storm Drains or Other Conveyance Systems within the San Diego Region (Order No. R9-2010-003, NPDES No. CAG679001). This permit has worked well for our region, but will expire on October 31, 2015.

We support the development of a statewide permit provided the permit is clear and understandable and we can reasonably implement the provisions in the permit. We have a number of concerns about the current draft of the permit that we would like to see addressed in the final permit. We appreciate the staff presentations and discussion at statewide workshops. The staff explanation at the workshops was helpful to provide an understanding of the intent of the permit provisions and a good opportunity for the regulated community to provide feedback to staff. Based on the number of comments and the discussion at the workshops, we expect to see significant revisions in the next draft. Substantive changes require the State Board to release the permit for a second thirty-day public comment permit and, based on the extent of the changes, we encourage you to consider releasing the permit for a second comment period. Our recommendations for changes to the permit are listed in detail in Attachment No. 1 to this letter. Our most serious concerns are described below.

Fees

Fees applied should not exceed the fee for other low threat discharges. The permit, as currently drafted, states that for the purposes of establishing fees, this is considered a low threat discharge. Low threat discharges currently have a fee for $2,062 per year. It is our understanding that the State Board is considering changing the fees to a sliding scale, which would reduce the fees for small water system and potentially raise the fees on large water systems. While the current low threat fees are not affordable for small systems, the large water suppliers' fees must be commensurate with the actual cost of regulation and may not be increased to subsidize the State Board's costs of the small water system permitting effort.

One approach may be for the State Board to reduce the cost of regulating small water systems. As written, the current permit is too complex for implementation by small water systems down to 15 service connections. It will be difficult, time consuming, and costly for the State Board to obtain compliance from these small systems. The end result is likely to provide minimal water quality benefit. We recommend that this permit be optional for small systems with less than 3,000 service connections. The State Board may want to consider a phased approach with a separate simplified permit, to be proposed at a later date, to address discharges from smaller systems. We encourage you to work with the California Rural Water Association, Rural Community Assistance Corporation or other entities that work with small systems before embarking on small water system permitting. This will minimize your costs of regulatory oversight.

Permit Clarity

A lack of clarity in the permit puts water suppliers at risk for third party lawsuits. The permit, as currently drafted, can have a wide range of interpretations, which can result in third party lawsuits. As an example, the definitions for raw water, potable water, and treated water are ambiguous, confusing, and inconsistent with common definitions used in the water industry. These definitions should be changed to potable and raw water, and should include a clear statement that the permit does not apply to water that is exempt from the Clean Water Act under the water transfers rule. Other language that is confusing includes the attempt in the permit to use primary and secondary drinking water standards as a basis for compliance. This is inconsistent with basin plan objectives, which set standards based on protection of beneficial uses. We support the exclusion of the California Toxics Rule for purposes of compliance. Further, we recommend that compliance standards be established based on basin plan objectives, but that data collected for Safe Drinking Water Act compliance be allowed, where appropriate, to avoid duplicate monitoring. In addition, better clarity is needed on monitoring where all monitoring requirements associated with compliance are included in the monitoring section of the permit.

Implementation

Permit provisions should be reasonable to implement by water suppliers. Currently, the permit requires implementation of BMPs and monitoring for all direct flows, regardless of the amount of flow. For continuous or automatic flows, this could require the installation of continuous chlorine and turbidity monitors for each continuous water quality analyzer or well pump to waste discharge. We recommend a minimum flow threshold for monitoring of 50,000 gallons/event/day. In addition the permit should allow for representative monitoring for automated flows.

There are several concerns related to the application requirements:

1. The current application requires submittal of a map showing the general location of water supply infrastructure, the location of Waters of the United States and location of the storm drain system. Currently, there are many areas where no one knows the actual locations of Waters of the United States, including the regulatory agencies that oversee the protection of those waters. The locations could change further upon adoption of the proposed new definition of Waters of the United States by the Corps of Engineers and the Environmental Protection Agency. In addition, water suppliers that are not storm water agencies may not have access to storm drain maps. In some cases, accurate storm drain maps may not be available. At the workshop, State Board staff indicated that an extensive mapping exercise is not intended to be required by this permit. We recommend that the permit require the application to include a map showing the boundaries of the water supplier's service area and maps of Waters of the United States to the extent that the information is reasonably available. Annual reports to the state could describe the actual discharges during the past year and their approximate location to Waters of the U.S.

2. The deadline to submit a notice of intent is not feasible for many water systems. We ask that you extend that deadline to allow for at least 120 working days.

3. Some of the information on expected locations of planned discharges may not be available at the time to the NOI is submitted, particularly for the entire five year period of the permit. It may be more appropriate to provide the planned discharge information annually to the State Board as part of the annual report.

TMDLS

The TMDL language in Appendix F, Section K, as currently written, establishes a prohibition on Discharges in the San Diego Region. The references to TMDLs in this permit are not appropriate, because drinking water discharges were not assigned waste load allocations basin planning. They are being included as part of an "other" waste load category of unidentified sources. If waste load allocations are to be assigned to drinking water supplies, they should be specifically assigned as part of a basin plan update.

In addition, the permit includes significant provisions relating to TMDLs that are contradictory. The permit states:

> *"Based on the data that is currently available, and due to the high quality and intermittent and short-term nature of the discharges from drinking water systems authorized under this Order, it is unlikely that these discharges contribute to the impairment of the TMDL-related water bodies. Therefore, it is consistent with the assumptions and requirements of the WLAs in these TMDLs for this Order to not include any TMDL-specific requirements."*

The permit then contains no specific TMDL requirements in Appendix G. Appendix F section K, to the contrary, includes specific TMDL descriptions, which state that the TMDL has a zero waste load allocation for unnamed discharges, including drinking water discharges. In another case, it appears to reinstate the requirements to meet the California Toxics Rule for lead, copper and zinc, which was waived in another section of the permit. For the San Diego region, a zero waste load allocation or a requirement to meet the numeric standards under California Toxics Rule, are equivalent to a discharge prohibition. Appendix F, Section K also has a number of inconsistencies with the TMDLS as described in the basin plan. We request that the reference to TMDLs be removed from the permit. In the alternative, we ask that clarifying language be included in Appendix F, section K to make it clear that agencies in San Diego that meet the requirements of the permit will not be in violation with requirements of the TMDL..

We appreciate the opportunity to comment on this permit. If you have any questions regarding this letter or the attached comments, please contact Gary Stalker, System Operations Manager at (619) 670-2228.

Sincerely,

Pedro Porras
Chief of Water Operations

Attachment 1: Otay Water District Comment Table for Tentative Order No. 2014-XXXX-DWQ/NPDES No. CAGXXXXXX Statewide general NPDES Permit for Drinking Water System Discharges

#	Page	Section	Topic	Comments
1	3	Table of Contents	Water Definitions "Raw Water"	The page number where the "Raw Water" definition resides is on page 6
2	General		References to CDPH	**The transition of CDPH's Division of Drinking Water to the State Water Resources Control Board is Complete. Please change all references to "CDPH" to either "SWRCB" or State Water Resources Control Board Division of Drinking Water (SWRCB DDW).**
3	8, 11	II. B., II.F.	Fees	The current permit sets annual fees at levels associated with low threat discharges. It is our understanding that a new fee schedule is being proposed to reduce fees to small water systems. While we support establishment of reasonable fees for small water systems, the costs of regulating the small water systems should not be borne by the larger water systems. Recommendation: Large water system fees should not exceed the current fee schedule de minimus discharges currently set at $2062 per year. Large water system fees should not be increased to subsidize small water system oversight. Do not include small water systems serving less than 3000 connections in this complex permit. Due to the de-minimus nature of the discharges, and the challenges associated with small system compliance, delay permitting of small systems to a later date under a simplified permit.

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3	General	Section K of Fact Sheet	Applicability of TMDLs	Due to the intermittent and unplanned nature of drinking water systems discharges, quantifying a contribution, assigning a wasteload allocation and the associated margin of safety would be nearly impossible. Assignment of a zero wasteload allocation is effectively a prohibition on all drinking water discharges and will interfere with the water suppliers' ability to manage their systems and protect public health. Presence of coliform in raw water or in water flushed from the distribution system during a water quality emergency is not controllable to a zero WLA. In addition, there are no effective field BMPs for removal of copper, zinc, lead and nitrogen in drinking water discharges. In order to assign and enforce a WLA of zero to drinking water discharges, the TMDL must be reopened for reconsideration. The fact sheet in the permit details the nature of these discharges as such on page F-19, of the Fact Sheet, section K, paragraph 2: *"Based on the data that is currently available, and due to the high quality and intermittent and short-term nature of the discharges from drinking water systems authorized under this Order, it is unlikely that these discharges contribute to the impairment of the TMDL-related water bodies. Therefore, it is consistent with the assumptions and requirements of the WLAs in these TMDLs for this Order to not include any TMDL-specific requirements."* Therefore, where appropriate the TMDL descriptions in this permit should clearly state that drinking water discharges do not contribute significantly to the impairment of the TMDL listed body, that drinking water discharges cannot reasonably be controlled to meet a zero discharge or the designated WLA and therefore by complying with this permit the agencies are in compliance with the TMDL **Recommendation: Revise Section K of the Fact sheet**

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4	5	Section I	Submittal date for NOI	This section sets a date to submit an application for coverage under the permit of December 1, 2014. This gives 46 working days from the proposed adoption date to submit an NOI. This is not an adequate time frame to complete the NOI. The permit is not effective until 100 days after adoption or December 21, 2014. It is not clear why these are two different dates. **Recommendation: Provide a minimum of 120 working days from adoption to submit an NOI**
5	6	Section I.C.1	List of planned discharges	List should include hydrostatic discharges following disinfection. In addition, the list currently includes automated water quality analyzers as a planned discharge. Flows from water quality analyzers are negligible due to the low flows associated with this use and should not be considered regulated discharges **Recommendation: Add hydrostatic discharges after disinfection to the list of planned discharges**

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6	6	I.B.2 Definitions	Water Definitions Remove references to "Treated Drinking Water" and "Raw Water" from this permit	The July 3rd updated version of the draft permit language does provide some clarity on this subject. However, the water definitions section remains confusing and requires some additional clarity as to the subset of discharges allowed. We recommend only permitting potable water discharges and raw water discharges to the extent they are subject to NPDES requirements. For instance, it stands to reason that "potable" water could be used interchangeably with "treated drinking water" or vice-versa outside of the definitions provided in this permit. Ultimately, having all of these specific categories is confusing and ambiguous when it comes to the thousands of water systems that are expected to be covered under this permit and does not provide a more consistent and streamline regulation. Additionally, most "raw water" discharges (as defined in the permit) from community water systems are excluded from NPDES permitting under the "NPDES Water Transfers Rule". The "NPDES Water Transfers Rule" added additional exclusions under 40 CFR Part 122.3 for ''an activity that conveys waters of the United States to another water of the United States without subjecting the water to intervening industrial, municipal, or commercial use.'' . Requiring receiving waters to meet primary and secondary drinking water standards is not always consistent with basin plan objectives. Furthermore the requirement for additional monitoring for determining compliance with drinking water standards is redundant and unnecessary. **Recommendation: For general simplicity and clarity, the permit should apply to potable and raw discharges, but exclude raw water discharges that are exempt under the NPDES Water Transfers Rule. Potable water should be defined as "Water suitable for human consumption as may be demonstrated by compliance with primary drinking water standards under Safe Drinking Water Act. Raw water should be defined as "water that is taken from the environment with the intent to subsequently treat it or purify it to produce potable drinking water"**

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7	7	II A.2) Permit Coverage	"Permit Coverage" Exceptions	This section excepts coverage for activities that water purveyors regularly participate in. For example, water purveyors often coordinate with their local fire department on combined flushing and fire flow testing. In addition, it is not clear what "construction" is not covered. When water systems construct or replace water lines they must conduct hydrostatic testing, flushing, and disinfection of the lines. Adding construction as it appears here is confusing given that in the previous paragraph coverage is granted to "work conducted by contractors on behalf of the water purveyor". **Recommendation: Remove Fire Departments and Construction from the list of exceptions as long as they are coordinated with a local water purveyor as follows:** 2) From other entities or individuals ~~such as fire departments, construction and insurance companies~~ that test potable water systems, street cleaners, or other users of a municipal storm water system that discharge to waters of the U.S. unless coordinated with the local water purveyor or regulated entity. **Alternatively, specify which construction activities are not covered (i.e. dust control).**

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8	7	II A.1	Community Water Systems	Coverage of small water systems under this permit will be confusing to those systems and may not be practical. A simplified permit should be proposed for water systems service less than 3000 service connections. Complex permit requirements for small water systems will result in a high level of non-compliance taking significant State Board staff time to obtain compliance. Costs of this oversight should not be borne by the large water systems. The State Board should consult with Drinking Water Program staff to determine the best approach and appropriate thresholds for coverage under this permit. State parks, campgrounds and rest areas are typically non-community water systems should not be covered under this permit. See Decision tree for classification of Community Water Systems from CDPH here: http://www.cdph.ca.gov/certlic/drinkingwater/Documents/PublicWaterSystems/DecisionTreeforClassifyingWaterSystems_Detailed_08-2012.pdf The coverage as proposed does not include wholesale water agencies **Recommendation: Add coverage of wholesale water agencies. Remove small systems with less than 3000 service connections from the permit**

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9	8	II.B.1.c	Site Information	It is not clear what specific details are included in an "undetailed" layout of system facilities and alignment of receiving water means. Furthermore, it is unclear what format the SWRCB would like this information submitted. We recommend that the site map requirement be limited to a map of the system boundaries for the following reasons: 1.) It could be costly for some agencies to prepare a map of all facilities and receiving waters. 2.) The map and information requested would not provide a lot of benefit to the SWRCB. 3.) Providing system layouts and alignments could result in potential security issues.. 4.) Small water systems may not have the capacity to provide this information to the SWRCB. 5.) Subsection v: This subsection should be removed because this information is already requested in NOI Section F. 6.) Subsection vi: This subsection will be difficult to comply with because the scale of a one-page map or schematic will not provide sufficient resolution to delineate a 300-ft discharge conveyance distance from the receiving waters. In addition, it is not clear what should be mapped as receiving waters. This is even more problematic in Southern California where most streams are ephemeral. The State Board may want to consider identifying receiving waters as the blue line streams as shown on the USGS topographical maps. In the alternative, the State Board or Regional Boards could provide GIS map layers identifying the Waters of the U.S., hydrologic units, and/or hydrologic areas. This information will also help water agencies identify the impaired water bodies. In addition, consideration should be given to allow drinking water to be discharged, with proper BMPs, into dry Waters of the U.S as long as it percolates prior to reaching a receiving water. **Recommendation: Require water suppliers to provide a map that delineates their service area. Maps of the receiving waters should be provided to the extent that they are reasonably available.**

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10	9	II B 1. d	TMDL Monitoring	When applicable this section should require submittal of existing data already collected by water suppliers for compliance with the Safe Drinking Water Act to avoid establishing inconsistent or redundant monitoring requirements. The proposed test methodology under 40 CFR 136 is consistent with methods applied to wastewater. Since these are drinking water supplies, water suppliers use methods that are more appropriately applied to drinking water supplies. The analyses in this section applies to all TMDLS listed in the Section K fact sheet even though the drinking water discharges are not significant as stated on page 13, Section III H. The State Board should consider whether monitoring requirements for Section K discharges are even necessary and describe the intended purpose. **Recommendation: Where TMDL monitoring is applicable, the permit should allow for use of existing data collected under the Safe Drinking Water Act and the use of approved test methods for drinking water. Delete Section K monitoring requirements or define the intended purpose.**
11	10	II.B.d	TMDL Constituent-Specific Application	**Recommendation: Before establishing site specific controls, the State Board should ensure that reasonable BMPs are available to address concentrations required in attachment G**

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12	10	II.D.1	Termination of Existing Permits	Water Purveyors should be allowed to continue operating under current Regional Board permits until they expire. The State Water Board does not have the authority to terminate current permits made in agreement with Regional Boards as stated. The existing Regional Board permits require that a permittee file a "Notice of Termination" before they can be released from a regional permit. Until that time, a water purveyor could be facing "double jeopardy" in the case of regulatory oversight. The permit does not include clear direction on these authorities. Additionally, these permittees would unfairly be paying additional permitting fees prior to their current permits having fully ended their tenure. **Recommendation: State that "The effective date for a water supplier to act under the State Board's Drinking Water Discharge Permit shall be the expiration date of their current discharge permit or the date of State Board's NOA whichever is later."**
13	13	II.H	TMDL Implementation	Again, the reasoning for including TMDLs in the permit is largely unfounded and arbitrary. Until a specific wasteload application has been determined for these types of discharges they should not be prospectively included in this permit.
14	15	IV.B	Discharges not authorized - TMDLs	Section IV.B states the following: **B.** Discharges to a water of the U.S. with a total maximum daily load (TMDL) that prescribes a waste load allocation to a water purveyor, where the or applicable regional water board Executive Officer determines that the requirements of this Order are not consistent with the assumptions and requirements of the waste load allocation and thus are not sufficient for the water purveyor to comply with the TMDL requirements imposed directly on the water purveyor. Based on this reasoning, a water purveyor with a TMDL in place would need to seek out an individual permit separate from this Proposed General NPDES Permit. TMDLs being listed in this permit are unnecessary based on this finding.

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15	18	VIII.C.2.b.	Operating Personnel Training	The statement to train all personnel operating the system is broad. While training is important, the need and scope of training should be left to the agency. **Recommendation: Remove reference <u>all personnel</u> as follows:** The Discharger shall assure that quality assurance and quality control protocols <u>are</u> implemented to assure best management practices, monitoring and reporting are effective, valid and in compliance with this Order. The Discharger shall <u>be responsible for</u> train<u>ing</u> all <u>appropriate</u> personnel ~~operating the drinking water system and responding to emergency discharges~~ to assure the quality assurance and quality control protocol is properly implemented.
16	18	VIII.C.2.c	Planned discharges	The BMPs requested here are somewhat unclear and could lead to confusion as to implementation. **We suggest the following clarifying language:** **c. For planned discharges, the BMPs shall be implemented prior to and during any discharge. For planned but unscheduled or automated discharges from pressure relief valves, unchlorinated pump to waste wells, or <u>automatic continuous analyzers</u>, BMPs shall be implemented unless infeasible (e.g. inaccessible, inadequate space<u>) or unnecessary to protect water quality</u>. For emergency discharges, the BMPs shall be implemented as soon as feasible following assurance that <u>public health and</u> safety, property and infrastructure are protected.**
17	19	VIII.C.2.e	TMDL	In the event that the State specifically allocated TMDL waste loads to a water supplier, the appropriate BMPs for TMDL waste load allocations would be assigned to a permittee. The impetus should not be placed on the permittee to determine the appropriate BMPS for the TMDL; there also may be no such BMP available.

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18	C-1		BMPs	In Southern California many wells are located in river beds which are typically dry except in large storm events. The wells are designed to automatically flush to waste for a short period of time prior to the water entering the drinking water distribution system. Other flows may also discharge to ephemeral streams. The discharge then percolates back into the groundwater with no significant impact to the receiving water. The currently proposed BMP procedure is not practical or necessary to implement in this situation. The BMPs proposed do not remove salt and minerals from the water. Furthermore, it is not practical to remove these constituents in the field. **Recommendations: The following provision should be included in the permit:** **<u>Municipal groundwater wells or other flows that flush to an ephemeral stream may use natural percolation as an acceptable BMP</u>** **<u>The reference to salt and minerals should be removed from this section</u>**
19	C-3	II C	Copper and Zinc Management	Copper is typically applied to raw waters in response to algae blooms and would be regulated under the State Board's *Permit for Residual Aquatic Pesticide Discharges to Waters of the United States from Algae and Aquatic Weed Control Applications*. Due to the intermittent nature of this treatment, it does not result in significant increases in copper concentrations in the treated water distribution system. This appears to try and address a problem that does not exist. Further regulation under this permit is not necessary. Copper is not added to the treated water system. **Recommendation: The reference to copper should be deleted from this section.**

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20	C-3	F	Training and certification	The training requirement and certification requirements lack clarity. Operator certification is required and regulated under the Safe Drinking Water Act and should not be regulated as a discharge requirement. Contractors are typically required through their contract to comply with the terms of the permit. It is up to the contractor to ensure that their employees are trained. Water agencies will have inspectors on site to ensure conformance with the contract **Recommendation: Delete reference to certification requirements and limit training requirements to agency personnel only in this section**
21	E-3	II A	Monitoring of direct discharges to receiving waters	All direct discharges to receiving waters must be monitored regardless of flow. Some discharges may be so insignificant that no monitoring is needed. Other discharges, such as well flushing, may occur as a part of automatic operations where no one is present to sample. Continuous analyzers and other proper water quality sampling are critical to ensure high quality of water for customers. Monitoring of these discharges should be waived under this permit. **Recommendation: A minimum flow of 50,000 gallon/event/day should be established for required monitoring direct or indirect discharges. Routine direct discharges should be allowed based on representative monitoring. However, all discharges should require the use of appropriate BMPs.** **Representative monitoring should be allowed for automated discharges** **Monitoring should not be required for continuous discharges from analyzers and other water quality sampling**
22	E-3	II.B.1	Monitoring locations and sampling	**Recommendation: Clarify that the monitoring in this section applies to planned discharges**

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23	E-4	Table E-1	Monitoring in last 10 minutes	Slow draining of large reservoirs may last many hours. Staff will set up the BMP, but may not be present during the entire draining of the reservoir and may not be able to collect a sample during the last ten minutes of the draining **Recommendation: Require a sample to be collected after sixty minutes, but as close to the end of the discharge to the extent feasible**
24	E-4	II E	Increased Monitoring	This allows the State Board or Executive Officer of the Regional Board to increase monitoring at any time to ensure the protection of the beneficial uses of the receiving water. This section provides no standard and establishes no criteria for increasing the monitoring. This could lead to arbitrary increases in monitoring, and inconsistency of approach throughout the state which would be contrary to the purpose of the permit. **Recommendation: Include criteria for determining when increased monitoring could be required such as changed circumstances, changes in standards, or new information that was not available at the time the permit was adopted**
25	E-4	III, Table E-2	Monitoring frequency	**Recommendation: Clarify when 1/event monitoring is required and when 1/year monitoring is required**
26	E-4	III, Table E-2	pH and Turbidity Monitoring	The permit should take advantage of existing monitoring for compliance with the Safe Drinking Water Act and avoid duplicate monitoring. **Recommendation: Add a footnote to Table E-2 that would allow water systems the option of using existing WTP effluent monitoring data in lieu performing field measurements for pH and turbidity for situations where the pH is not expected to be changed significantly by the dechlorination agent or when field measurements for turbidity are not feasible or practical.**

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27	E-4	III, Table E-2, Footnote 3	Turbidity Monitoring	**Recommendation: Clarify what "feasible" means in the context of monitoring for turbidity.**
28	E-4	III, Table E-2, Footnote 4	Monitoring Frequency	**Recommendation: Delete or clarify the statement "Each discharge event that requires monitoring shall be monitored once per year".**
29	E-5	IV	Documentation of receiving water conditions	It is not clear what would be gained by using telephoto lenses and binoculars or if this approach would be practical. In addition operators may be challenged to complete the necessary repairs and at the same time stop their work to take photographs. The actual water quality data and documentation of observations should be adequate. This level of documentation is excessive considering that the discharge is water supply and not sewage.
30	E-5	V	Notification	This section requires post-notification of the Office of Emergency Services (OES) for any discharge that **may** adversely impact beneficial uses. The notification of OES should be reserved for serious emergencies which require follow-up action and should be limited to any discharge that has an actual immediate impact on beneficial uses. This notification is described on page E-6, Section VII **Recommendation: Delete requirement to notify OES for any violation that may impact beneficial uses. Retain the requirement to notify the Regional Board within five days**
31	E-6	VII	Notification	Any toxic chemical release data must be reported to the State Emergency Response Commission. It is not clear how this requirement relates to relates to this discharge permit. **Recommendation: Delete this requirement**

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32	F-4	II	Permit coverage	**Recommendation: Delete reference to algaecides since this is covered under a separate permit. Revise drinking water, potable and raw water definitions.**
33	F-5	II B.3	Definition of superchlorination	**Recommendation: The description of super chlorinated water should be consistent with AWWA standards for disinfection of water mains**
34	F-9	Table F-1	Discharge categories	**Recommendation: Delete reference to monitoring wells since these are not a part of a public water system.**
35	F-49 - 52	30	TMDL Descriptions for the San Diego Region	The language in the permit is inconsistent with the TMDLs in the San Diego Region. It is also inaccurate to state that unidentified point sources have a waste load allocation of zero and that discharges are not allowed. A zero waste load allocation for bacteria or nitrogen is effectively a prohibition on all raw water discharges and flushing that may be required to maintain water quality in the potable water distribution system for the San Diego Region and any discharge to Rainbow Creek. In addition, the copper, zine and lead standards for discharges to Chollas Creek cannot be met in the potable water supply and will act as a prohibition of discharges to Chollas Creek. These discharge prohibitions will interfere with water agencies ability to provide safe drinking water to customers. **Recommendation: See attached recommended edits to Section K to address inconsistencies with the San Diego TMDLs, acknowledge the lack of significant impact of drinking water discharges on water quality and the inability to meet zero discharge allocations, and allow water suppliers to maintain health and safety without violating TMDLs**
36	38	A-H	Use of Term "Water Purveyor"	The terms "Water Purveyor", "Discharger" and "Permittee" are used interchangeably throughout the permit. **Recommendation: Use the term "water purveyor" early in the permit for description and fact finding and "permittee" when talking about permit compliance.**
37	B-2	B	Storm water alignment mapping	The notice of intent requires mapping of storm water alignments. Most water suppliers subject to this permit are not storm water agencies and do not have access to this information **Recommendation: Delete reference to storm water mapping in the notice of intent**

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#	Page	Section	Topic	Comments
38	42	Section C, II. A.iii	Erosion Controls	…"Such controls shall minimize the energy of discharges by managing flow velocities and volumes, and shall be appropriately designed so that the **discharge does not exceed the hydraulic capacity of the receiving water (emphasis added)** at the point of discharge and areas downstream of the discharge point. This statement is confusing and arbitrary. The statement does not clearly define how a permittee would best design erosion control measures. **Recommended Revision:** Such controls shall minimize the energy of discharges by managing flow velocities and volumes~~, and shall be appropriately designed so that the discharge does not exceed the hydraulic capacity of~~ to the receiving water at the point of discharge and areas downstream of the discharge point.
39	39	Section A, Page A-3	NPDES Definition	**National Pollutant Discharge Elimination System (NPDES)** The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Clean Water Act (CWA) Sections §307, 402, 318, and 405.

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#	Page	Section	Topic	Comments
40	42	D, Section 1.B.	Need to halt activity not a defense	The statement as written is not compatible and is actually counter to the referenced 40 Code of Federal Regulations Part 122.41(c) which is as follows: c) *Need to halt or reduce activity not a defense.* It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. **Recommended Revision:** B. Need to Halt or Reduce Activity Not a Defense ~~It shall not be a violation of this Order for a Discharger in noncompliance to immediately halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order. (40 CFR 122.41(c).)~~ It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.