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

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Santa Clara Valley Water District

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8-18-14
SWRCB Clerk

August 12, 2014

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Subject: **Comment Letter – Draft Drinking Water Systems General Permit and Resolution**

Dear Ms. Townsend:

The Santa Clara Valley Water District (District) appreciates the opportunity to provide comments regarding the State Water Resources Control Board (SWB) Draft Drinking Water Systems General Permit and Resolution (Draft Permit). The District is a member of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVUPPP) and supports and incorporates by reference the comments of SCVURPPP on the Draft Permit. Among other issues we discuss below, although we will be exempted from their direct application, the District especially concurs with SCVURPPP's strong belief that the proposed chlorine and turbidity water quality based effluent limits (WQBELs) are inappropriate, not practicable, and should be replaced with benchmarks. Even though the District would be exempted from this provision, it must coordinate with other systems for which the General Permit does apply.

As an initial matter, the District wishes to convey its strong support for Section I.3 of the Draft Permit, which will exempt the District (as an MS4 co-permittee to the Bay Area Municipal Regional Storm water Permit (MRP) from having to obtain additional coverage for potable water discharges under the SWB General Permit. As the MRP already contains provisions requiring the District to manage and monitor potable water discharges in its jurisdiction, and we have done so effectively and without water quality impacts, we wish to continue the program we have implemented under the MRP when it is reissued and avoid the administrative and management costs that would be associated with having to obtain separate, duplicative permit coverage.

To further minimize unnecessary administrative and management costs, the District requests that the Draft Permit's requirement for it to file a Notice of Non-Applicability (NONA) per Section II.B.2 using the form in Attachment B.2 by December 1, 2014 (Section II.D) be deleted. Given that the MRP contains potable water discharge requirements that have already proven to be effective in protecting receiving water quality in the Bay Area, and given that the State Board already knows the identity of the MRP's 76 co-permittees from Order No. R2-2009-0074, the District sees no purpose in applying the NONA requirement to it or the other 75 MRP co-permittees – the State Board can quickly determine on a wholesale basis that we qualify for the Section I.3 exemption based on information that is already in its possession (and, in addition, there is no reason why we should need to wait for the State Board staff to affirmatively confirm back to us that a NONA submitted on this basis was accepted).

Finally, as a general policy matter, the District supports the additional statement in Finding III.C. that:

"The State Water Board's intention in the issuance of this statewide NPDES Permit is to provide consistent and efficient regulation of discharges from drinking water systems statewide."

However, the State Board should clarify that the potable water discharge requirements in MS4 permits need not be exactly parallel to those in the Draft Permit in every respect (such as with respect to the inclusion of numeric effluent limitations in MS4 permits) as long as they provide an equivalent level of water quality protection. We therefore recommend that the State Board encourage the Regional Water Boards to exercise flexibility in potable water discharge provisions in reissued MS4 permits (including with respect to notification, monitoring, and reporting) so long as, taken as a programmatic whole, they provide an "equivalent level of protection" to those in the State-wide permit.

In conclusion, the District appreciates the opportunity to comment on the Draft Permit and asks that the State Board maintain its Section I.3 exclusion for MS4s that already have potable discharge requirements. We also ask that the State Board delete the Section II.B.2 requirement that would necessitate us and other MRP co-permittees having to file a NONA. Finally, we ask the State Board to allow Regional Board's flexibility in writing potable water discharge provisions into MS4 permits as long as they result in an equivalent level of water quality protection overall.

The District also supports, and incorporates by reference, the comments of SCVURPPP on the Draft Permit, and especially concurs with SCVURPPP's strong belief that the proposed chlorine and turbidity WQBELs are inappropriate, not practicable, and should be replaced with benchmarks.

Sincerely,

Frank Maitski
Deputy Operating Officer
Water Utility Technical Support Division

cc: SCVURPPP Management Committee

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