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

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Environmental Services Department
WATERSHED PROTECTION

August 15, 2014

RECEIVED
8-19-14
SWRCB Clerk

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 City of San José (City) appreciates the opportunity to provide comments regarding the State Water Resources Control Board (SWB) Draft Drinking Water Systems General Permit and Resolution (Draft Permit). Potable water in the City of San José is supplied by a combination of private and public water purveyors. The City owns and operates the San José Municipal Water System, serving over 100,000 customers. As you are aware, co-permittees subject to the San Francisco Bay Regional NPDES Permit for Stormwater (MRP) have been complying with the requirements and conditions of exemption for potable water system discharge prohibitions in Provision C.15 for many years. Water Board staff has acknowledged that there are no specific problems with current MRP potable water discharge requirements or with compliance with them by the MRP Permittees.

The City is a member of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) and 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 not appropriate or practicable and should be replaced with benchmarks.

As an initial matter, the City wishes to convey its strong support for Section I.3 of the Draft Permit, which will exempt it as a co-permittee of the MS4 Bay Area Municipal Regional Stormwater Permit (MRP) from having to obtain additional coverage for potable water discharges under the SWB General Permit. The MRP already contains provisions requiring the City to manage and monitor potable water discharges within 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 City requests deletion of the provision in the Draft Permit requiring 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). The MRP contains potable water discharge requirements that have already proven to be effective in protecting receiving water quality in the Bay Area. Since the State Board already

knows the identity of the MRP's 76 co-permittees from Order No. R2-2009-0074, the City sees no purpose or justification for applying the NONA requirement to MS4's like itself. The State Board can simply determine on a wholesale basis that we qualify for the Section I.3 exemption based on information already in its possession. Moreover, there would then be no need for the City to wait for the State Board to confirm acceptance of a NONA.

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

"It is the State Water Board's intention in the issuance of this statewide NPDES Permit 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 City appreciates the opportunity to comment on the Draft Permit and asks that it maintain its Section I.3 exclusion for MS4's 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. The City also supports and incorporates by reference the comments of SCVURPPP on the Draft Permit, and especially concurs with SCVURPPP's strong belief that, even as to non-MS4s (with whom we must coordinate in implementing our programs), the proposed chlorine and turbidity WQBELs are inappropriate and not practicable and should be replaced with benchmarks.

Sincerely,

NAPP FUKUDA
Deputy Director
Environmental Services Department
Napp.fukuda@sanjoseca.gov

cc: SCVURPPP Management Committee