



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Supporting Document No. 4

Office of the General Manager

July 27, 2009

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Ms. Michelle Mata
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4353

Comments on Tentative Order No. R9-2009-0094, NPDES Permit No. CAG679001; 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 (General Permit)

Reference: CRU: Reg Measure ID 367377: MMATA

Dear Ms. Mata:

The Metropolitan Water District of Southern California (Metropolitan) appreciates the opportunity to provide comments to the San Diego Regional Water Quality Control Board (SDRWQCB) on the June 25, 2009, Tentative General Permit for Potable Water Discharges, Order No. R9-2009-0094 (Tentative Order). Metropolitan is a consortium of 26 cities and water districts that provides drinking water to nearly 19 million people in parts of Los Angeles, Orange, San Diego, Riverside, San Bernardino, and Ventura counties. Metropolitan delivers an average of 1.7 billion gallons of water per day to a 5,200 square mile service area. Our facilities include the Colorado River Aqueduct, pumping plants, treatment plants, reservoirs, tunnels, pipelines and hydroelectric plants. Our comments on the Tentative Order reflect Metropolitan's views as an affected water agency and we are enrolled under the current 2002 SDRWQCB General Permit for our dewatering activities conducted within the jurisdiction of the SDRWQCB.

Metropolitan has noted several significant changes from the existing General Permit that unnecessarily increase the complexity of discharging into the Municipal Separate Storm Sewer System (MS4) and could negatively impact critical pipeline dewatering, maintenance, and repair activities that are required to comply with the requirements of the Federal Safe Drinking Water Act and Title 22 of the California Code of Regulations. Metropolitan's ability to properly maintain our pipelines and treatment and distribution facilities is essential to ensuring a safe, reliable, and adequate water supply. We therefore believe it is critical to have practical permit conditions that ensure environmental protection of receiving waters that are not cost, schedule, or operationally prohibitive.

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Metropolitan supports the concept of an integrated, clear, and consistent General Permit, such as the current SDRWQCB General Permit for potable water discharges. Previously, Metropolitan participated on the Technical Advisory Committee (TAC) made up of water agencies that worked very closely with the SDRWQCB staff in developing and adopting the original General Permit back in 2002. The cooperation and communication between the SDRWQCB staff and the water agencies at that time were critical components in developing a workable permit for all affected parties. We believe that this same cooperation and communication is vital in the renewal and reissuance of the new General Permit, so that all the details can be worked out in advance and any unplanned consequences can be avoided.

Recommendation

Metropolitan is requesting that the August 12, 2009, scheduled adoption date for the Tentative Order be delayed. This will allow additional time for the SDRWQCB staff to work with a TAC comprised of San Diego Region water agencies representing all water agencies affected by the Tentative Order. This would provide an effective forum to receive stakeholder input, discuss potential solutions, and develop a workable General Permit. Through the TAC, the water agencies can ensure that the SDRWQCB clearly understands the need for potable water discharges and the related activities and circumstances for these discharges. Additionally, the water agencies' specific concerns and comments on the Tentative Order could be heard and addressed directly through the TAC. This saves a great deal of time and resources for all interested parties. It also eliminates the need for the SDRWQCB staff to review and respond to numerous rounds of comment letters which would further delay adoption of the Tentative Order.

Concerns with Tentative Order

The following is a summary of the significant issues that must be adequately addressed and/or clarified before the tentative Order can be adopted:

Discharges of Less than 500,000 Gallons/Day

The Tentative Order appears to eliminate the exemption from the requirements of the Monitoring and Reporting Program for discharges of less than 500,000 gallons/day. This will require reporting and approval for numerous additional discharges under 500,000 gallons/day, which could unnecessarily overwhelm administrative and compliance capabilities, for the enrolled dischargers, including Metropolitan, as well as for the SDRWQCB staff, and for the MS4 entities. Based on information previously reported in the August 14, 2002, General Permit Fact Sheet:

“Discharges from potable water sources into the MS4 storm drains occur on a regular basis and are often of volumes less than 500,000 gallons per day (GPD) (e.g. fire hydrant

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flushing, pressure valve blow-offs, line flushing). Information provided by the San Diego Region water purveyors indicated that more than 2,200 discharges of this type occurred in the year 2001."

The current General Permit includes the quantitative exemption for discharges under 500,000 gallons/day, providing three specific conditions are met. Not only has the quantitative limit been removed in the proposed permit, but the three conditions for exemption have also been deleted from the permit. Our concern is that this implies that any discharge quantity, including minor discharges, even those which percolate and/or evaporate prior to reaching surface water, are captured under this permit. However, the Notice of Intent (NOI) Form – Attachment B states in Section IX – Evaluation of Disposal/Reuse Options that “This Order does not apply if there is no discharge to surface waters.” This statement does not appear anywhere in the text of the tentative Order (except in the NOI Form) so it is unclear if there is actually any exemption if the discharge percolates or evaporates before reaching a receiving water.

Notification/Authorization to Discharge to a Municipal Separate Storm Sewer System (MS4)

The Tentative Order requires that at least 30 days prior to a discharge, the discharger must “notify and receive authorization” from the local agency with jurisdiction over the MS4. However, the Order does not identify how this will be accomplished and if the MS4s have the capability and processes in place to adequately comply with this requirement. Additionally, there are no criteria for authorizing the discharge, nor is there a timeframe for MS4s to respond back to the discharger. This presents a substantial change from the existing permit that could result in significant delays and cost increases for all affected parties, and is not justified for de minimis potable water discharges.

Basis for Changes in Waste Discharge Requirements

The Fact Sheet for the Tentative Order does not provide any information regarding what (if any) historical records were reviewed that substantiate the significant changes being made to the existing General Permit. The August 14, 2002, Fact Sheet for the existing General Permit included a section titled “Basis For Waste Discharge Requirements and Effluent Limitations” which described the review of records, discharges, MS4 programs, and historical complaints regarding potable water/hydrostatic test water discharges that lead the SDRWQCB to conclude that “no significant impact on the beneficial uses of surface waters within the San Diego Region has been determined.” This same review of records, etc., should be performed and documented in order to explain to stakeholders the rationale for the proposed changes to the existing General Permit.

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Adoption Schedule for Tentative Order

Adoption of the tentative Order is scheduled for August 14, 2009, with written comments due on August 5, 2009. That only provides six (6) working days for SDRWQCB staff to review all the written comments received from the stakeholders and make the necessary amendments to the tentative Order before it must be provided to the Board Members for review and adoption on August 14, 2009. This does not allow sufficient time for Regional Board staff to resolve all the issues and concerns, and also does not allow for a Public Workshop or other critical discussions between the SDRWQCB and the TAC.

Based on the successful development and adoption of the original General Permit in 2002, the TAC process is an excellent example of what can be accomplished when the SDRWQCB and stakeholders work together. Metropolitan recommends that this same cooperative process be continued in the renewal of this General Permit. This approach will allow time for SDRWQCB staff, affected stakeholders, and MS4 entities to work toward mutually acceptable solutions and permit terms and language, prior to permit adoption.

If you have any questions, please contact Janet Bell at (213) 217-5516 or via e-mail at jbelle@mwdh2o.com, or me at (213) 217-7903 or pmiller@mwdh2o.com.

Sincerely,



Paul D. Miller, P.E.
Unit Manager, Environmental Health and Safety Programs

JJB/R-09-186/jj

cc: David Barker, SDRWQCB
Joe Wegand, SDCWA