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April 3, 2009

Mr. Bruce Wolfe
Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
ATTN: Dale Bowyer
By email: mrp@waterboards.ca.gov

Subject: Comments on the Revised Tentative Order for the San Francisco Bay Region
Municipal Regional Stormwater NPDES Permit (MRP)

Dear Mr. Wolfe:

The California Department of Transportation (Caltrans) appreciates the opportunity to comment on the Revised Tentative Order for the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP).

As requested, we have limited our comments to the new or revised portions of the Revised Tentative Order. If you have any questions, please contact Joyce Brenner at (916) 653-2512.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott McGowen".

SCOTT McGOWEN
Chief Environmental Engineer
Division of Environmental Analysis

Enclosure: Comments

cc: Joyce Brenner
Bruce Fujimoto, SWRCB, bfujimoto@waterboards.ca.gov

Comments

Revised Tentative Order for the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP)

Issued February 11, 2009

(Page references are to the redline/strikeout version)

Page 14 – C.2.c.i. Bridge and Structure Maintenance and Graffiti Removal – The subsection states [showing changes proposed in the TO]:

- (1) Permittees shall implement appropriate BMPs to prevent ~~pollutant-polluted stormwater and non-stormwater~~ discharge from bridges and structural maintenance activities directly over water or into storm drains.

Because it is impossible in some situations to capture or control all discharges from bridges and related structural features, we suggest adding the terms “to the extent technically feasible and cost effective.”

Page 16 – C.2.d. Stormwater Pump Stations – This provision states:

“The objective of this sub-provision is to prevent the discharge of water with low dissolved oxygen (DO) from pump stations, and to explore the use of pump stations for trash capture and removal from waters to protect beneficial uses of receiving waters.”

The inventory requirement is appropriate. However, the DO monitoring and mandated corrective actions are premature. We are not aware of any information that has been developed showing that DO below 3 mg/L within pump stations results in adverse water quality conditions in receiving waters. In the context of roadways, the monitoring and inspection requirements for pump stations could cause lane closures, risks to employees, and travel disruption.

Please clarify the corrective actions: *“Such post-storm inspection and monitoring shall focus on trash and discharge impacts, including presence of odor, color, turbidity, debris, trash, and floating hydrocarbons”*. The provision requires debris and trash removal and replacement of oil booms, which would be difficult to implement without standards, and many of our facilities were not designed to accommodate trash collection and absorbent booms.

As an alternative to pump stations at intermediate locations, which may be preceded or followed by additional facilities where monitoring and treatment controls are already in place, we suggest setting goals for point-of-discharge conditions.

Page 18 – C.2.f. Corporation Yard BMP Implementation – There is a reference to the Caltrans Storm Water Quality Handbook Maintenance Staff Guide. *“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.”*

Caltrans would prefer that reference to 2003 Maintenance Staff Guide be removed and replaced with more generic reference. This is necessary to avoid staff guide becoming “standard practice” which will limit Caltrans ability to update or modify practices as appropriate.

Page 26 – C.3.b. ii. (4) New Road Projects – We appreciate the exclusion of Caltrans road projects from the list of regulated projects. It would be preferable to state this exclusion as “Caltrans highway projects and associated facilities” Park and Ride Lots and Safety Roadside

Rest Areas, for example, are covered by the Caltrans' Statewide Permit and they would not fall under the building and planning authority of the Permittees.

Page 33 – C.3.d.iv. Limitations on Use of Infiltration Devices in Stormwater Treatment Systems – The section has been modified to state: “In these areas, a greater [than 10 ft] vertical distance from the base of the infiltration device to the seasonal high groundwater mark may be appropriate and treatment system approvals should be subject to a higher level of analysis...”

These restrictions on infiltration and specification of additional analysis exceed the State Water Board's Proposed Regulations and Proposed Statewide Waiver for Onsite Wastewater Treatment Systems (OWTS) (Septic Systems): “Three feet minimum depth to groundwater or impermeable layer for conventional septic system. Two feet minimum depth for systems with supplemental treatment.” Septic system discharges likely present a greater risk to groundwater than stormwater yet stormwater has more restrictive requirements.

Page 108 – C.8.h.i. Reporting

Water Quality Standard Exceedance – When data indicate that stormwater runoff or dry weather discharges are or may be causing or contributing to exceedance(s) of applicable water quality standards, including narrative standards, a discussion of possible pollutant sources shall be included in the Urban Creeks Monitoring Report. When receiving water data indicate an exceedance of applicable water quality standards, Permittees shall notify the Water Board within 30-days of such a determination and submit a follow-up report in accordance with Provision C.1 requirements.

The reference to “data” in the first line is unclear. Is this referring to effluent data or effluent and receiving water data. Does the second sentence mean that receiving water data is to be used to identify exceedances but not effluent data? Clarification would be helpful.

Page 116 – C.10. Trash Reduction – Reference to the ongoing installation and operation of trash control devices for the Los Angeles River and Ballona Creek may decrease the need for pilot testing in the Bay Area. **Also, solutions for trash should be coordinated with implementation plan requirements for future Trash TMDLs and other TMDLs for other pollutants.** The concern is that the devices being installed for trash TMDL are not compatible with the structural controls required for other TMDLs developed for various watersheds. The piecemeal issuance of the requirements for trash may mean that permittees such as the Department are required to implement controls prior to being aware of the total pollutant control requirements to comply with all TMDLs within the bay area.

Page 130 – C.11.j. Develop Allocation Sharing Scheme with Caltrans [Mercury] – this section is new. We suggest the text be modified as follows:

i. Task Description – The wasteload allocations for urban stormwater developed through the San Francisco Bay mercury TMDL implicitly include California Department of Transportation (Caltrans) roadway and non-roadway facilities within the geographic boundaries of urban runoff management agencies. Consistent with the TMDL, Permittees are required to develop an equitable mercury allocation-sharing scheme in consultation with Caltrans to address these Caltrans facilities in the program area, and report the details to the Water Board.

[Caltrans proposed addition:] Alternatively, Caltrans may choose to implement load reduction actions on a watershed or regionwide basis in lieu of sharing a portion of an urban runoff management agency's allocation, In such a case, the Water Board will consider a separate allocation for Caltrans for which they may

demonstrate progress toward attaining an allocation or load reduction in the same manner mentioned previously for municipal programs.

- ii. Reporting – Permittees shall report on the status of the efforts to develop this allocation sharing scheme in the 2010, 2011, and 2012 Annual Reports. Permittees shall submit in the 2013 Annual Report the manner in which the urban runoff mercury TMDL allocation will be shared between Permittees and Caltrans.

This change would bring the MRP into conformance with the Mercury TMDL (see San Francisco Bay Basin Plan Amendment, pp. 16–17).

Page 144 – C.15. Exempted and Conditionally Exempted Discharges – The new text states: “The objective of this provision is to exempt unpolluted non-stormwater discharges.” We suggest defining “unpolluted” in relation to the state definition to avoid confusion with the meaning of “polluted” under the federal definition.