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Table of Proposed Revisions to T.O.
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Item	Permit Section	Subject	Concern	Requested Language – changes shown in reline
1	C.2.a.i	Street Sweeping – Task Description	The definition of high frequency areas is too broad and could obligate Permittees to frequently sweep areas that include the described land uses but do not accumulate high volumes of trash.	Modify the language as follows: <u>This designation shall include areas that consistently accumulated high volumes of trash, debris and other stormwater pollutants</u> Street, road segments and public parking lots designated as high frequency <u>may include</u> include at least, but are not limited to , high traffic zones, commercial and industrial districts, shopping malls, large schools, high-density residential dwellings, sport and event venues and plazas. This designation shall include areas that consistently accumulated high volumes of trash, debris and other stormwater pollutants.
2	C.2.a.i	Street Sweeping - Implementation	November 2008 is an unreasonable deadline for identifying and mapping all designated streets, road and public parking lots for sweeping frequency given other items also due November 2008.	Modify the language as follows: Permittees shall identify and map all designated streets, roads, and public parking lots for sweeping frequency by <u>November 30 June 30, 2009</u> 8 .
3	C.2.b.i	Sweeping Equipment Selection and Operation – Task Description	The requirement for 75% of replaced street sweepers to have particulate removal of regenerative air sweepers or better does not give cities flexibility to use equipment that is most appropriate for specific applications. In some circumstances brush sweeper may be more effective than regenerative air sweepers even though the rate of particulate removal may be less.	Modify the language as follows: At least 75% of the sweepers replaced during the Permit term shall have the particulate removal performance of regenerative air sweepers or better; <u>unless the cities can demonstrate how an alternative sweeper is more effective for a specific application even though the rate of particulate removal may be less than that of a regenerative air sweeper.</u>
4	C.2.b.iii	Sweeping Equipment Selection and Operation - Reporting	Confirming and reporting on street sweeper rates/speeds is overly onerous. It is an example of a reporting requirement that would not improve water quality and diverts limited staff resources from far more productive activities.	Eliminate following language: Report on efficient street sweeping methods, including the manner of specifying and confirming rate or speed at which street miles are covered by sweeper operators.
5	C.2.f.i	Catch Basin or	The requirement to inspect and maintain all	Modify the language as follows:

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		Storm Drain Inlet Inspection and Cleaning – Task Description	inlets (regardless of ownership) would require Permittees to maintain inlets on private property. This is not feasible.	Permittees shall annually inspect, before the wet season, all <u>municipally owned</u> catch basins or storm drain inlets, and clean them to remove....
6	C.2.f.ii	Catch Basin or Storm Drain Inlet Inspection and Cleaning – Task Description	Storm drain cleaning should be done on an as needed basis. Jurisdictions should not be required to clean inlet filters or catch basins that do not need it.	Modify the language as follows: (a) Inspect and clean storm drain inlets/catch basins, at least once per year before the rainy season <u>and clean as needed</u> .
7	C.2.h.ii	Rural Public Works Construction and Maintenance – Implementation Level	Most, if not all, jurisdictions have significant road maintenance backlogs due to inadequate funding. Requiring Permittees to divert funding from more urgent road maintenance needs to rural roads simply due to the proximity of such roads to streams and riparian habitat is not feasible nor is it an effective use of limited resources.	Modify the language as follows: Permittees shall implement the following appropriate BMPs during and post construction and maintenance of stream crossing and drainage culverts to comply with water quality standards <u>when rehabilitating or maintaining rural roads</u> : (a) Increase maintenance for <u>Modify</u> rural roads adjacent to streams and riparian habitat to reduce erosion, replace damaging shotgun culvert, re-grade roads to slope outward, and install water bars; and (b) Rehabilitate existing and design new culverts and bridge crossings with measures to reduce erosion, provide fish passage and maintain natural stream geomorphology in a stable manner
8	C.3.b	New & Redevelopment – Regulated Projects	Reducing the project threshold to 5,000 square feet on specific categories of development would result in a disproportionate amount of implementation costs directed at inspecting small treatment devices. In addition, the total area covered by these types of projects is very small, less than 1% of development. This would result in diverting limited resources toward activities that provide minimal benefit water quality benefit and would be wasteful of public	Delete the following paragraph in its entirety: Beginning July 1, 2010, all references to 10,000 square feet in Provision C.3.b.i.(1) change to 5,000 square feet. For development projects in this category that have received final discretionary approvals before July 1, 2010, the lower 5000 square foot impervious surface threshold (for classification as a Regulated Project) shall not apply. Final discretionary approvals are decisions by a public agency or governmental body that require the exercise of judgment or

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			resources.	deliberation to approve or disapprove a particular development project, as distinguished from just making a determination whether there is conformity with applicable statutes, ordinances or regulations. For public projects for which funding has been committed and construction is scheduled to begin by July 1, 2010, the lower 5000 square feet of impervious surface threshold (for classification as a Regulated Project) shall not apply.
9	C.3.b.i (5)	New & Redevelopment – Road Expansion or Rehabilitation Projects	Most, if not all, jurisdictions have significant road maintenance backlogs due to inadequate funding. Regulating the replacement of arterial roads within the existing footprint will add significant cost and complexity to maintaining roads and will significantly contribute to the backlog.	Modify the language as follows: (5) Road expansion or Rehabilitation projects Arterial streets or roads that are: (a) Rehabilitated down to the gravel base (i.e. roads or pavement that are demolished and rebuilt from the gravel base up): (b)(a) _____ Widened with additional lanes, sidewalks, or medians: or (c) Replaced, and that create and/or replace 10,000 square feet or more of contiguous impervious surface.
10	C.3.e	New & Redevelopment -Alternative Compliance	Infill projects greater than 1 acre should not be excluded from using alternative compliance if the circumstances warrant it.	Modify the language as follows: i. Task Description – Each Permittee may allow Regulated Projects that are: (1) New infill development projects with a total project area < 1 acre (hereinafter called Regulated New Infill Projects); or
11	C.f.3	Collection of Impervious Surface Data for Small Projects	Collecting this information, even on a pilot basis, will be labor intensive, wasteful of limited staff resources and will provide no tangible water quality benefit.	Delete section C.3.j in its entirety.
12	C.4a-d	Industrial and Commercial Site Controls	Requirements are overly prescriptive with regards to development of Emergency Response Plan (ERP), escalation of penalties, and	Modify section to conform to existing permit conditions

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			reporting.	
13	C.5a-g	Illicit Discharge Detection and Elimination	Requirements are overly prescriptive with regards to development of Emergency Response Plan (ERP), escalation of penalties, and reporting.	Modify section to conform to existing permit conditions
14	C.6.a- h	Construction Site Control	Requirements are overly prescriptive with regards to development of Emergency Response Plan (ERP), escalation of penalties, and reporting. Furthermore, construction site inspections are conducted on a daily basis; reporting on every single inspection is not practical.	Allow flexibility in development of an ERP that meets individual agency criteria. Reduce reporting requirements.
15	C.7.a	Storm Drain Inlet Marking – Private streets	This is an unreasonable requirement, as jurisdictions do not have the authority to mark private streets.	Delete the following language: For privately maintained streets that were not marked upon construction but discharge stormwater to the Permittee’s MS4, inlet marking retrofit shall be required of the entirety responsible for street maintenance by July 1, 2012.
16	C.10.a.i	Trash reduction - requirement	The requirement to identify and implement trash management controls or catchments on 10% of specified land area does not consider variations of severity of litter problems in jurisdictions and penalizes cities with large land areas that may not have severe litter problems. Cities may have to waste resources installing trash capture devices or implementing enhanced trash control measures in areas with minimal trash simply to meet the number. At a minimum, single family residential areas should be excluded.	Modify the language as follows: “Urban and Suburban Land Area is defined as the entire land area of a Permittee’s jurisdiction, less... estate <u>single family</u> residential development areas.”
17	C.10.a.ii	Trash Reduction-selection of catchments	The proposed language limits permittees flexibility for catchment placement.	Eliminate following language (1) These catchments shall, to the extent possible, be in the lower reaches or upstream tidal reaches of major tributaries following through the Permittees urbanized watersheds.
18	C.10.b.i	TrashReduction-	Permittees need flexibility in defining areas with	Delete

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		implementation	full capture devices. For some areas enhanced trash management control that prevents trash from entering the storm drain system in the first place may be more productive than capturing trash after it has entered the system. Why install capture devices if the enhanced trash management is effective at keeping the material out of the storm drains?	<p>... and install full trash capture devices by July 1, 2012. Half or more of the total catchment area to be addressed as described in Provision c.10.a.1., must be managed through installation of full trash capture devices.</p> <p>Replace with Permittees may address implementation with full trash capture devices or with enhanced trash management control. Full trash capture devices must be installed by July 1, 2012.</p>
19	C.10.b.i	Trash Reduction-implementation	A prescriptive two-step process of enhanced trash management control followed by installation of full trash capture devices will likely waste limited city waste resources. Permittees will have to invest in equipment, staff and other resources to implement enhanced trash measures, which may be unnecessary or duplicative in areas ultimately treated with trash capture devices. Also, why install capture devices if the enhanced trash management is effective at keeping the material out of the storm drains?	Language requested in item 4 would address this concern.
20	C.10.b.i (1)	Trash Reduction-implementation	Required trash control measures are overly prescriptive, resource intensive and provide no flexibility for the jurisdiction to cost effectively implement enhanced trash control measures. Jurisdictions have to implement all of these measures regardless of cost, efficiency, effectiveness or long-term benefit. Enforceable parking restrictions, for example, result in significant capital costs for signage placement and enforcement resources. Increased street sweeping and inlet inspection will require additional capital and staffing. These measures may be unnecessary or duplicative with the installation on trash capture devices. In	<p>Modify the language as follows:</p> <p>Enhanced Trash Control Measures shall <u>may</u> consist of the following at a minimum within the target catchment: increased litter collection or litter abatement, creek cleanups...</p>

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			addition, increased litter collection and creek cleanups should qualify as trash control measures.	
21	C.10.b.i (1)	Trash Reduction-implementation	Permittees receive no credit for enhanced trash control measure already in place and could be penalized for existing proactive efforts.	Add following language to end of section. Credit can be claimed for enhanced trash management control measures implemented before 2009.
22	C.10.b.ii	Trash Reduction-assessment and reporting	Trash assessments are expensive and divert resources from other beneficial activities. This measure is unnecessary and duplicative when quantitative measurement of volumes collected in trash captures devices or enhanced trash capture devices can be obtained.	Add following language to end of section: Permittees shall assess trash in stream immediately downstream of enhanced trash management control catchments using SWAMP...a modification of the Swamp RTA or though other quantitative measures.
23	C15.	Exempted and Conditionally Exempted Discharges	Permittees are required to regulate discharges that are not co-permittees under the MRP. Permittees are required to allocated significant resources to identify, test, monitor and report discharges that are unlikely to contribute pollutants to the storm drain system (e.g. pumped ground water). These discharges should be considered exempted non-stormwater discharges. The current language requires extremely burdensome analytical testing and reporting on discharges that are unlikely to contribute pollutants to the storm drain system. This will be labor intensive, wasteful of limited staff resources and will provide no tangible water quality benefit.	See legal comments submitted by Gary Grimm.

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MP-1	C.8.a + others	Regional collaboration	<p>a. C.8.a.i recognizes existing collaborative bodies as a means of compliance for C.8 activities but does not recognize existing Program participation in collaboratives that directly address control provisions for specific pollutants.</p> <p>b. This provision shows limited recognition that regional collaboratives have separate planning and decision-making bodies that may require some flexibility in timeframe for completion of efforts, but does not permit those collaboratives to deviate from the highly specific “types, quantities and quality of data” prescribed in C.8, even if alternative designs are supported by scientific panels or expert reviewers. This may effectively prevent permittees from participating in collaboratives if other participants don’t accept all of the MRP prescriptions.</p>	<p>a. Insert language similar to C.8.a.i in the other provisions listed below, or specifically cross-reference C.8.a.i as also applying to provisions in other sections that</p> <ul style="list-style-type: none"> • relate to collaborations already underway, specifically: C.8.f.v (RMP); C.12.b (Proposition 50 grant managed by SF Estuary Project); C.11/12h (RMP) • are more appropriate or only feasible for regional implementation: C.9.e; C.9.g; C.11/12.c & d (in part) C.11/12.e; C.11/12 f (but see also comment MP-6); C.11/12g; C.11/12.i; C.13.c; C.13.e; C.14.a <p>Also, we request clarification that products already produced by regional efforts prior to the effective date of permit can be counted for compliance.</p> <p>b. Revise 2nd paragraph of C.8.a.i to allow programs to submit an alternative monitoring plan prepared by a regional collaborative, which includes specific justification for addressing MRP objectives.</p>
MP-2	C.8.c.i Table 8.1	Status monitoring- Parameters, methods, frequencies	<p>a. Our general concerns about excess specificity are described in separate comments by Gary Grimm, but this table also includes numerous examples of specific monitoring prescriptions that are confusing, inappropriate or otherwise lacking as the basis for a rational monitoring program, and should be further discussed before attempting to finalize this permit.</p> <p>b. While some of the proposed parameters are consistent with the stated objectives the TO includes several that are not appropriate and/or represent excessive expenditure of resources for dubious interpretive benefit. These include:</p> <ul style="list-style-type: none"> • Nutrients – especially sampling during storm events, which is redundant with 	<p>b. Delete from table:</p> <ul style="list-style-type: none"> • Nutrients – storm events and dry weather grabs • Trash assessments <p>and also consider eliminating Temperature</p>

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		<p>Table 8.5. Dry weather grabs represent excessive field mobilization if water column toxicity is revised per comment MP-2c.</p> <ul style="list-style-type: none"> • Temperature – may be a useful indicator for aquatic habitat but is most often dependent on the condition of riparian vegetation cover, and redundant with other indicators already required (see also MP-4a) • Trash assessments – required at Bedded Sediment sampling sites regardless of whether these sites are representative of trash accumulation, and also an unknown number of enhanced trash management areas required in C.10. These labor-intensive procedures are not cost-effective when dissociated from management areas. <p>c. Storm event sampling methods and approach for toxicity and diazinon prescribed in this provision are inconsistent with the regional Urban Creeks Monitoring Plan (CEP 2004, 2005, 2006)</p> <p>d. Table footnote 18 unnecessarily increases the required effort for biological assessment. While the cited protocol (Ode 2007) contains ambiguities and unresolved issues, using the “basic” procedure as currently described therein will more than double the field and laboratory effort per site for sampling of benthic macroinvertebrates compared to the previous California protocol. Further, requiring the following additional site measurements is excessive and frequently inappropriate for the</p>	<p>c. Delete grabs for water toxicity and diazinon (OP pesticides) from Table 8.1, and add them to the list of Category 1 pollutants in Table 8.5, with sampling frequency reduced to average 1 or 2 wet and 1 dry event per year. See also Comment MP-6b.</p> <p>d. Revise footnote to allow coordination with Region 2 SWAMP in implementing allowable deviations from SWAMP protocols as described in Appendix A of Ode (2007). An example would be holding samples collected using the “Reach wide benthos” protocol and deferring laboratory processing until and if SWAMP reaches a consensus about its “interim” recommendation to collect samples with two partly duplicative protocols. Either delete the periphyton monitoring requirement or state that a SWAMP periphyton bioassessment method will only be required after a SWAMP protocol has been written, accepted</p>
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		<p>excessive and frequently inappropriate for the urban stream reaches targeted in C.8.c.ii:</p> <ul style="list-style-type: none"> • Depth and pebble count+CPOM requires 420 individual measurements or observations that must be recorded for stones at each sampling site. • cobble embeddedness prescribes a “random walk” search for stones of a certain size to augment the preceding measurements if a minimum of 25 cobbles have not been found. Visual assessment that cobbles are absent from the reach is not allowed. <p>In addition, the footnote commits permittees to periphyton (algae) sampling using a future SWAMP bioassessment protocol that has not been developed, but would be likely to add significantly to per-site cost with unknown benefits. Periphyton quantification as described in the T.O. may differ significantly from the SWAMP periphyton indicator anticipated in the cited reference, which calls it an “optional” measurement of “food resource quantification”; this is not appropriate for the Status monitoring which should focus on basic screening indicators.</p> <p>e. Table footnote 25 contains an incomplete reference to “MacDonald”; assuming this is the same document as referenced in footnote 78, it includes several analytes not specifically named in the T.O., some of which may not be considered to have reasonable potential for stormwater impacts in the Bay Area, due to</p>	<p>by the scientific review panel as useful for urban streams, and identification tools or a list of approved laboratories are available to support its implementation. Delete requirements for other procedures that are not included in the SWAMP basic level protocol.</p> <p>e. Revise footnote and/or table to exclude unnecessary analytes.</p>
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			<p>extensive controls and/or bans implemented in the decades since these were placed on USEPA’s priority pollutant list.</p> <ul style="list-style-type: none"> • Trace Metals: As, Cd, Cr, Pb, and Zn • Organochlorine Pesticides: Endrin, Heptachlor epoxide, and Lindane (gamma-BHC) 	
MP-3	C.8.c.ii	Status monitoring- Locations	<p>While we appreciate staff efforts to provide some alternative choices among waterbodies, most of the options for Alameda permittees will not meet the criterion added in the T.O. that each sampling reach drain a catchment with “60% or more urban or suburban land use”.</p>	<p>Restore or modify the Administrative Draft criterion that “surrounding land uses are predominantly urban or suburban”, or adapt Findings statement on p. 51 that sample locations “be based on surrounding land use, [and] likelihood of urban runoff impacts...”</p>
MP-4	Table 8.1, also C.8.e.i	Status Results that Trigger Stressor ID Project	<p>a. Single factor triggers are inappropriate and may lead to ineffective and unnecessary expenditure of resources.</p> <ul style="list-style-type: none"> • USEPA guidance indicates that the Stressor Identification process is intended for use <u>after</u> you have biological assessment data indicating that a biological impairment has occurred. • The table includes trigger levels that may not apply to all urban streams, such as temperature guidelines for supporting salmonid populations, which are irrelevant for lower reaches of streams used only during wet season migrations. <p>Stressor Identification investigations triggered by a single-factor exceedance of WQ standards may lead to uninformative conclusions for lack of data. Stressor Identification is a complex process and should only be initiated when more than one line of evidence suggests a problem, as indicated in Appendix G Table G-1.</p>	<p>a. Modify the trigger requirement for all indicators except the “triad” group addressed in Attachment G, through one or more revisions such as:</p> <ul style="list-style-type: none"> • Delete last column of Table 8.1, adding footnote to refer to new C.8.c.iii below • Modify column heading to indicate that Stressor Identification follow-up is only required for data results that are evaluated per Attachment G. • Include a reference for Table G-1; which is adapted from a consensus-based framework developed by the Southern California Stormwater Monitoring Coalition (SMC). Provide a rationale for Footnote 78, which prescribes a generic pollutant analyte list instead of a shorter regional priority list as recommended by the SMC for routine sampling. <p>b. Add C.8.c.iii “Follow-up” language indicating that “trigger” results can lead to one or more of the following,</p>

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			<p>b. Follow-up actions or monitoring prescribed in C.8.e.i could require extensive effort in areas not directly related to stormwater runoff impacts, or require cooperation of non-stormwater stakeholders. (For example, reports by Region 2 SWAMP, among others, indicate that temperature exceedances are most directly related to lack of tree canopy in the riparian zone). Some recurring patterns of exceedances in a single indicator may be more efficiently investigated through Illicit Discharge responses, as a function of Permittee’s discretion based on best professional judgment</p>	<p>with rationale to be reported in the next Urban Creeks report and/or Annual Report as appropriate:</p> <ul style="list-style-type: none"> • Review of potential causes and recommendations for follow-up options to be reported in the next Urban Creeks n Report. • Referral to local agency responsible for stormwater or other applicable management issues. • Countywide or regional Stressor Identification project per C.8.e.i. Coordinate with revisions in C. 8.e.i. (MP-8). • Other reporting as described in C.1
MP-5	C.8.d.i, Table 8.2	Long Term Trends Locations	<p>Monitoring as specified is likely infeasible at the location prescribed in Table 8.2 for Alameda Permittees. Alternative selection criteria, which are copied from the CEP Urban Creeks Monitoring Plan, are inconsistent with criteria for SWAMP integrator or indicator sites. See also MP-6</p>	<p>Revise to state that ”each countywide program shall select one site, among Status watersheds chosen according to C.8.c, for long-term trends monitoring in Years 2 and 4. The sites will be chosen in consultation with regional SWAMP managers and considering criteria in the statewide draft Trends Monitoring design.” (see also MP-6)</p>
MP-6	C.8.d.ii, Table 8.3	Long Term Trends parameters, methods, frequencies	<p>a. Prescriptive monitoring requirements are not tied to specific objectives, and not coordinated with similar provisions elsewhere in C.8. In particular, a separate wet-weather flow-weighted composite sampling station with capability to sample suspended sediment concentration (SSC) is extremely costly and labor-intensive for little recognizable added benefit. Criteria for sampled storm events are inconsistent with those in C.8.f and there is no existing or planned SWAMP monitoring efforts of this type, obstructing the TO directive to conduct this “in conjunction” with those other efforts where possible.</p> <p>b. Requirements for water column toxicity</p>	<p>a. Delete all references in text and Table 8.2 to wetweather sampling, and add Dissolved & total metals to Category 2 in Table 8.5. Clarify what if any “organics” should be added to Category 1 or Category 2 in Table 8.5.</p> <p>b. Delete water toxicity from text and table, see related</p>

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			<p>sampling are inconsistent with the CEP Urban Creeks Monitoring Plan.</p> <p>c. The remaining portion of Table 8.3 contains other inconsistencies and errors, including:</p> <ul style="list-style-type: none"> • Toxicity in Bedded Sediment should not be sampled during a storm event; this sampling should be in conjunction with Pollutants in Bedded Sediment. Toxicity references in the column for Results That Trigger Monitoring Project are applicable only to water column tests, not to sediment (also see MP-4 above regarding triggers). • Draft SWAMP protocols for Trends Monitoring specify only spring sampling for urban sites 	<p>recommendation in MP-2c above.</p> <p>c. Delete rest of table and instead add a footnote or cross-reference that one of the prescribed locations for Sediment Toxicity and Pollutants in Table 8.1 will be repeatedly sampled as the selected Long Term site each year, in either spring or fall. Confirm that fall sampling is acceptable.</p>
MP-7	C.8.d.ii, Table 8.3	Long Term Trends Results that Trigger Project	<p>Single line of evidence is inappropriate to trigger Stressor Identification: see MP-4. The T.O. requirement for Toxicity Identification Evaluation “in the event that toxicity is detected and confirmed” is too rigid, based solely on 50% of organisms affected in 2 tests.</p>	<p>Delete or modify in conjunction with recommendations for MP-4, MP-6a and b, and MP-8. (Note: toxicity testing triggers in this table only apply to water column toxicity).</p>
MP-8	C.8.e.i	Monitoring projects - Stressor Identification	<p>Stressor Identification should be one of several tiered options to follow-up on monitoring results. See MP-4.</p>	<p>Coordinate revisions with suggestions for MP-4.</p>
MP-9	C.8.e.iii, C.11f, C.12f	Pump station and dry weather /first flush studies	<p>a. We agree with and support the general concerns expressed in a separate BASMAA letter concerning these provisions. Some additional specific concerns about these provisions are the following:</p> <p>b. C.8.e.iii makes an erroneous apriori assumption that diversion is an effective one-size-fits-all solution to a variety of potential</p>	<p>a. Replace these provisions with a single integrated provision that requires stormwater programs to work with BACWA first to use existing data to develop a plan for and perform a feasibility study followed by a workplan for characterization of potential stormwater pollution problems at pump stations and identifying potential and recommended solutions. The feasibility study should include an analysis of the cost/benefits of diverting dry weather and first flush</p>

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			<p>impacts from pump stations. Other problems include:</p> <ul style="list-style-type: none"> • Design overly specific, inconsistent with monitoring objectives or established procedures for monitoring and pollutant characterization. • Confounds screening for dry weather localized impacts with reducing TMDL pollutant loads to Bay. • Completely uncoordinated with C.11/12.f provisions that were based on stakeholder discussions. <p>c. The scope of C.11.f and C.12.f is likely too extensive to be cost-effective in specifying that “Permittees shall select 20% of the existing stormwater pump stations in their jurisdictions and evaluate drainage characteristics and the feasibility of diverting flows to sanitary sewers to be treated by the local POTWs.”</p>	<p>flows from stormwater pump stations to POTWs. This may also affect other provisions of C.11 and C.12, see MP-10 and MP-11) b, c. See above.</p>
MP-10	C.11,	Mercury controls	<p>Although the conceptual outlines of these provisions were discussed during development of the TMDLs for SF Bay, the T.O. specifies levels of implementation that go beyond the previous discussions between WB staff and BASMAA and other stakeholders, or what we can confidently say is cost-effective with current knowledge. Provisions C.11.d-f should be consistent with the intent expressed on Findings Page 69 that pilot study sites “will be chosen primarily on the basis of the potential for reducing PCB loads, but consideration will be given to mercury removal in the final design and implementation of the studies”.</p>	<p>Clarify that any prioritization or selection of pilot sites for C.11.d-f will be made on the basis of potential PCB reductions. See comments MP-11c-g which also apply to the corresponding lettered provisions in C.11, also MP-1.</p>
MP-	C.12	PCB Controls	<p>a. C.12.a.ii requires all permittees to incorporate</p>	<p>a. Revise to begin with pilot programs in (two) communities</p>

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11		<p>identification of PCBs and PCBs equipment into existing industrial inspection programs. We disagree with the Findings assertion that “there is enough experience and/or background knowledge” to go directly to region-wide implementation. This is inconsistent with the Basin Plan Amendment recently adopted for the PCB TMDL which states “in the first five-year permit term, stormwater permittees will be required to implement control measures on a pilot scale to determine their effectiveness and technical feasibility.”</p> <p>b. C.12.b, Pilot Projects to Evaluate Managing PCB-Containing Materials During Building Demolition and Renovation, is overly prescriptive and inconsistent with the scope and stakeholder process of a regional project already underway via a Proposition 50 grant to SFEP (see also MP-1).</p> <p>c. C.12.c, Pilot Projects to Investigate and Abate On-Land Locations, requires identification of five suspect drainage areas by November 30, 2008, which is too short a time frame for completing the tasks and discussion involved. Also, provision C.12.c.v is ambiguous and potentially open-ended. While municipally-owned properties would fall under this provision, the T.O. should recognize that source control on private properties is by far the most cost-effective strategy for reducing PCBs, and that abatement activities at downstream areas before abatement of source properties may produce only temporary reductions, as experienced in the pilot abatement project in the Ettie Street Pump Station watershed.</p>	<p>to identify cost-effective and efficient ways to implement this type of program.</p> <p>b. Revise to state that this requirement can be fulfilled by good faith participation by BASMAA in the Proposition 50 grant project as a stakeholder and project partner, and acknowledge that this effort is already underway prior to permit issuance (see also MP-1. In addition, it is extremely important to note that the sampling required by this provision would possibly lead to immediate abatement orders to protect human health at some sampling sites. This possibility will make it difficult or impossible to obtain permission to sample due to the potential liability to property owners. The Proposition 50 project is currently working with USEPA and other parties to explore ways to resolve this issue, but an easy resolution is not anticipated. It is possible that any program to identify and abate PCBs in buildings will initially be driven primarily by on-site human health risks rather than water quality concerns.</p> <p>c. Reinstate the Administrative Draft’s version of the timeline, with both suspect locations and survey results to be reported in October 2009; preliminary results of reconnaissance data and candidate sites can be shared informally with TMDL staff during early to mid-2009. Clarify that the C.12.v requirement to “conduct an abatement program in portions of drainages under their jurisdiction.” does not require municipalities to be responsible for abating PCB contamination on private properties. This provision should state that permittees will work with responsible parties and state agencies to develop an abatement program for right-of-way PCBs originating on private property.</p>
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		<p>d. C.12.d regarding pilot projects toward enhancing sediment/pollutant removal via municipal operations:</p> <ul style="list-style-type: none"> • lists multiple forms of sediment management as examples of “street sweeping” in C.12.d.i • too prescriptive and broad in its requirement to conduct this pilot study in conjunction with the studies in C.12.c • Requires too rapid implementation regionwide by 2011, based on 1) above pilot study for enhancing sediment/pollutant removal via municipal operations and 2) an evaluation of high-efficiency street sweepers. <p>e. C.12.e requirement is too broad to be cost effective, in asking Permittees to identify at least 10 locations for pilot studies of on-site treatment systems. Also the “evenly distributed” criterion is unnecessary and may be counterproductive (given existing information about the distribution of legacy PCBs in urban areas).</p> <p>f. C.12.h Studies aimed at better understanding the fate, transport, and biological uptake of PCBs discharged in urban runoff are appropriately conducted by the RMP. See MP-1</p>	<p>d. (see note MP-9c) Revise to</p> <ul style="list-style-type: none"> • State in C.12.d.i that the focus is sediment management activities including but not limited to practices listed, but that not all of the practices listed as examples may be feasible in pilot watersheds. • Delete requirement in C.12.d.iv that Permittees “implement the most potentially effective measure(s)...throughout the region” and instead specify that an initial feasibility study and cost analysis of enhanced sediment management practices be performed using available information, which may include results of other pilots., followed by pilot testing of appropriate enhanced sediment management practices in up to two drainages, contingent on their suitability being supported by the feasibility study results and availability of grant or other special funds for test implementation in the selected drainages. <p>e. Remove “evenly distributed” criterion from C.12.e.i, and revise C.12.e.iii to require pilot testing of appropriate on-site stormwater treatment retrofits at up to three sites, contingent on availability of grant or other special funds for suitable sites (these may or may not be the same as priority sites identified through provision C.12.c).</p> <p>f. Revise to state that this requirement will be fulfilled through participation in the RMP, coordinate with MP-1.</p>
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			g. C.12.i, Risk Reduction Program, unnecessarily limits the types of actions or collaborations Permittees can use to manage human health risks	g. Revise requirement to consist of participation in public outreach and education efforts conducted in cooperation with BACWA, OEHHS, and Department of Public Health to address PCB-related risks from consuming Bay fish.
MP-12	C.13	Copper Controls	<p>a. C.13.b Pools Spas Fountains: Overly prescriptive language requires adoption of local ordinances prohibiting copper-containing PSF discharge, as well as installation of sanitary sewer discharge connection including “a proper permit from POTWs”. This contradicts the recommendations in the CEP’s Copper Management Strategy Development Resources (2006), which identified these steps not as the initial stages of implementation, but only as possible endpoints of a series of progressive steps if adequate control is not achieved at lower implementation levels. The CEP document notes many potential obstacles to these final steps including::</p> <ul style="list-style-type: none"> • Politically challenges to using fees to recover costs associated with regulating this class of facilities • Practical problems finding responsible dischargers given the regional and mobile nature of the pool service business, and the fact that many private pool owners conduct their own maintenance and do not use a service • Political and logistical challenges in modifying building and plumbing codes to require sewer discharge connection retrofits on existing PSF facilities. <p>b. C.13.c.iii, Brake Pads: requirement for a</p>	<p>a. Revise to follow the CEP document’s progressive implementation sequence (pp 13-26):</p> <ul style="list-style-type: none"> • Refine regional loading estimate with available data to determine if PSF is in fact a significant source. • If yes, begin targeted outreach in Years 2-3. • Through outreach, establish discussions about regulatory options for discharge with PSF managers and service companies as well as POTWs, report progress in Year 4. <p>b. We ask the Water Board to confirm that the desktop</p>

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			<p>desktop study to evaluate implementation of enhanced treatment, O&M, which also “shall consider pilot tests” is excessive, given CEP document’s assessment that “Typical runoff treatment systems have incomplete copper removal; removal of dissolved copper is even more difficult than removal of total copper.”</p> <p>c. C.13.e. Studies to reduce uncertainties: The requirement to investigate possible copper sediment toxicity and sublethal effects on salmonids is overly burdensome and potentially infeasible for stormwater programs to implement as intended. It does not recognize the extensive research and recent publications by NOAA which have added considerably to the knowledge base on this topic. This requirement is a last-minute addition to the T.O. - Water Board staff did not identify these uncertainties as priority items for permits in previous stakeholder discussions involving all dischargers, or in previous MRP discussions.</p>	<p>study may be a review of similar implementation strategies evaluations by other stormwater programs, including a number of reports recently released or soon to be available from other California stormwater programs in response to metals TMDLs.</p> <p>c. Revise requirement to one or more of:</p> <ul style="list-style-type: none"> • “Conduct or cause to be conducted a literature review on potential copper sediment toxicity and sublethal effects on salmonids in SF Bay.” • “Participate in a regional workgroup convened by WB to discuss steps for joint discharger implementation of studies to address uncertainties in copper impacts to biota in the Bay” (see also MP-1)
MP-13	C.14.a	PBDEs, Legacy Pesticides, Selenium	<p>The T.O. requirement to complete and report on the initial characterization phase by Oct 2010 does not allow enough time to ramp up resources, particularly in view of many other Year 2 requirements and the high cost of PBDE analyses. Data requirements and reporting are not coordinated with C.8.f provisions.</p>	<p>Clarify that information needs for characterization in C.14.a.i may be fulfilled by 1) data collected to comply with C.8 provisions; 2) existing stormwater program data from previous bedded sediment surveys; or 3) other existing data. (see also MP-1).</p> <p>Change the October 2010 Annual Report requirement to consist of a summary of the sampling plan and status update; Change the October 2011 Annual report requirement to include results of characterization in addition to information for computing loads.</p>