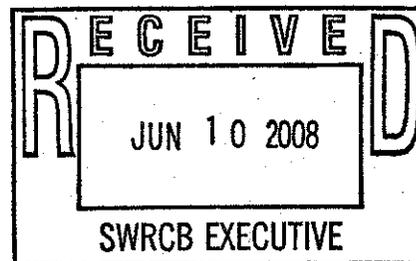


Members of the State Water Resources Control Board
Attn: Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Re: Comments on the Preliminary Draft General Permit for Discharges of Storm
Water Associated With Construction Activities

Dear Board Members:

As a California Homebuilder and stakeholder, Pulte Homes, Inc. would like to take this opportunity to provide comments on the Proposed Draft General Permit for Discharges of Storm Water Associated with Construction Activities. In addition to the comments set forth herein, we have reviewed the comprehensive legal and technical comments developed by the California Building Industry Association (CBIA) and its coalition partners and incorporate those comments herein by reference.

While we support the State's effort to protect and improve water quality in a meaningful and cost-effective way, we are concerned with many aspects of the Draft General Construction Order. Most notably, there is currently insufficient technical data to support a numeric effluent limit (NEL) as recognized by the State Water Board's Blue Ribbon Panel. We recommend that a program be implemented to assess the feasibility of NELs and to calculate defensible, scientifically appropriate NELs should they prove feasible for use in a future permit.

We understand that the State Water Resources Control Board (SWRCB) is under pressure from the environmental community to include a numeric compliance measure in this construction storm water general permit. However, a "best management practices" (BMP) approach to managing and regulating storm water runoff, coupled with the use of numeric action levels (NALs), is the only approach that can be supported with current information and data.

The Draft Order should focus on protecting receiving water quality via a proactive approach for controlling pollutants from construction site discharges. A proactive approach would emphasize enhanced planning, implementation, inspection, and maintenance of a hierarchy of complementary BMPs with the goal of minimizing sediment and pollutant transport into storm water.

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The General Construction Permit should set forth pollutant control standards that will clearly enhance storm water pollution prevention plans (SWPPPs) to ensure that construction projects will implement a comprehensive system of BMPs that include measures from all four BMP categories: runoff controls, erosion controls, sediment controls, and non-storm water management controls. Field research, laboratory research, and evaluation of drainage, sediment and erosion control technologies have generally shown that each are highly effective in controlling construction site pollutants, including soil loss and sediment delivery.

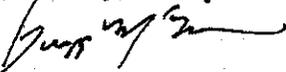
Based on the collective experience of the construction industry and its consultants, the majority of sites can be well protected with good SWPPP design, more diligent and proper design, application, and maintenance of BMPs, as well as use of a "hierarchy of complementary BMPs." This proactive approach is one that contractors can successfully implement if given appropriate guidelines supported by the Clean Water Act.

In order to achieve this goal with respect to the discharge of sediment from construction sites, the General Permit should be revised to ensure that the following five major objectives are accomplished at every construction site:

- Minimize exposed areas to that which can be effectively controlled and provide erosion control practices on all disturbed areas during the rainy season;
- Provide properly designed drainage facilities to control concentrated flows;
- Provide sediment control practices to complement erosion controls around the perimeter of the construction site and at all internal inlets to the storm drain system during the rainy season;
- Reduce the tracking and migration of sediment off-site all year; and,
- Properly control non-sediment and non-storm water discharges.

We urge the State Water Resources Control Board to consider these comments and those identified in CBIA's comment package. To that end, our goal is to work constructively with the Board to develop an approach that places greater emphasis on enhanced and proactive planning, and the implementation, inspection, and management of best management practices (BMPs) instead of a permit that will result in technically infeasible, unreliable, and unrealistic approaches in regulating construction storm water runoff.

Sincerely,



Gregg McKenzie
Director - Government Affairs
Western United States