

Construction Industry Coalition on Water Quality

December 17, 2012

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



RE: Comment Letter – Revised Draft Phase II Small MS4 Permit

Ms. Townsend, Chair Hoppin and Members of the Board:

On behalf of the more than 3,000 member companies of the Construction Industry Coalition on Water Quality (CICWQ), we would like to thank the California State Water Resources Control Board (State Water Board) for the opportunity to offer comments on the Revised Draft Phase II Small Municipal Separate Storm Sewer System permit (Small MS4 Permit).

I. Introduction and Background

CICWQ is an education, research, and advocacy 501(c)(6) non-profit group representing builders and trade contractors, home builders, labor unions, landowners, and project developers. Our membership is comprised of members of four major construction and building industry trade associations in southern California: The Associated General Contractors of California, Building Industry Association of Southern California, Inc., Engineering Contractors Association, and Southern California Contractors Association, as well as the Engineering and General Contractors Association in San Diego and United Contractors located in San Ramon. Collectively, members from these associations build much of the public and private infrastructure, and residential and commercial development projects in California. Members of all of the above-referenced organizations are affected by the Small MS4 Permit, as are tens of thousands of construction employees and builders working to meet the demand for modern infrastructure and housing in California.

Our comments on the Small MS4 Permit reflect our commitment to protecting both water quality and the landscapes in which development occurs--while at the same time preserving our member's business viability. CICWQ's membership has invested substantial resources developing approaches for post-construction site stormwater management based on the application of sound engineering practices. Accordingly, our comments to the State Water Board reflect an industry commitment to selecting and using appropriate design and engineering solutions—ones that properly take into account a given project's individual characteristics and its particular watershed context.

II. Comments on the Draft Phase II Small MS4 Permit

The State Water Board made a substantial and unjustified change in the Draft Small MS4 permit by inserting Attachment J (*Central Coast Specific Post-Construction Requirements: Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region*) and suggesting that the hydrologic site design criteria contained in it is

appropriate for application throughout California. The addition of Attachment J is technically unjustified in several fundamental respects, and by our estimation, virtually all of the municipal stakeholders whose systems are regulated by the permit in California strongly oppose it. There are at least three petitions that challenge the imposition of the criteria like that contained in Attachment J. The petitions were brought by permittees in the Central Coast region, where the Central Coast Regional Water Quality Control Board recently adopted such criteria. Respectfully, we view it as unjustified to propose the inclusion of such a highly controversial permit provision at this point in what has already been a multi-year permitting process.

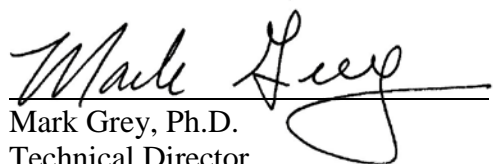
The California Stormwater Quality Association (CASQA) and its Phase II subcommittee have prepared detailed comments addressing Attachment J in their comment letter. There they discuss why it is inappropriate for inclusion in the Draft Small MS4 Permit. CASQA's comment letter and attachments discuss Attachment J's technical shortcomings clearly, and in great detail. CICWQ is a member of CASQA, and hereby joins in all of CASQA's comments submitted to the State Water Board with respect to the Draft Phase II Small MS4 Permit.

We cannot emphasize enough our disappointment with this late addition to the Draft Phase II Small MS4 Permit, and we respectfully ask the State Water Board members to direct staff to delete it from the Permit.

III. Concluding Remarks

CICWQ's membership and its coalition partners are at the forefront of water quality regulation and low impact design regulation. We continue to provide to water quality regulators practical and progressive ideas that have as their goal clean water outcomes and the reasonable protection of the watersheds in which development occurs. If you have any questions or want to discuss the content of our comment letter, please feel free to contact me at (951) 781-7310, ext. 213, (909) 525-0623, cell phone, or mgrey@biasc.org.

Respectfully,



Mark Grey, Ph.D.
Technical Director

Construction Industry Coalition on Water Quality