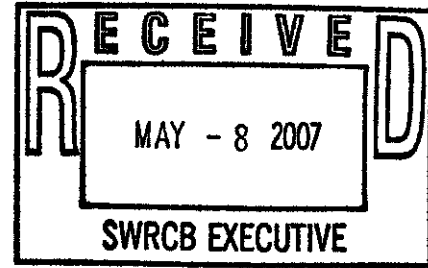




Construction Permit  
Deadline: 5/4/07 5pm



May 2, 2007

Ms. Song Her, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

Re: Preliminary Draft General Construction Permit

Dear Ms. Her,

Thank you for the opportunity to comment on the Preliminary Draft California General Permit for Construction Activities, dated March 2, 2007. As an organization representing builders in the Fresno/Clovis Area who are subject to the NPDES Municipal Stormwater Permit, we understand that protection of receiving water quality and beneficial uses is the ultimate objective of the permit. The Building Industry Association of Fresno/Madera Counties (BIA) supports that objective.

In the course of considering changes to General Construction Permit, it is important to understand that, throughout the State, there are profound differences in how stormwater is managed. The Fresno/Clovis regional storm water control system is characterized by a unique set of conditions including flat topography, low rainfall, a comprehensive system of engineered multiple-use detention basins, deliberate interconnectivity with municipal and irrigation district conveyance systems and minimal and intermittent hydrologic connectivity to State-defined receiving waters.

The Fresno/Clovis urban storm drainage system, owned and operated by the Fresno Metropolitan Flood Control District, comprises 143 operational stormwater ponding basins and five large flood control dams and reservoirs. Each ponding basin is an engineered feature between 10 and 40-acres in size, situated at the lowest elevation within its drainage area. Each drainage area is a small watershed that collects runoff from about one square mile of urbanized land. Basin storage capacities vary from 100 to 600 acre-feet of water. The regional basin system collects urban runoff from a 160 square mile area, capturing 90%

**Preliminary Draft General Construction Permit**  
**May 2, 2007**  
**Page 2**

of the stormwater runoff generated by the region. The remaining stormwater is either discharged directly into canals, creeks and lastly, the San Joaquin River.

The Fresno-Clovis metropolitan area, via long-established local (City, County, District) project review and permitting processes and our regional system of stormwater conveyance, detention and infiltration, already achieves the intended effect of Draft Permit. Rather than attempting to install mitigation devices at the tract map level, storm water capture, treatment and infiltration systems are planned and funded as part of a comprehensive master planned urban drainage system covering the Fresno/Clovis metropolitan area. By design, our post-development runoff is already at or below pre-project levels, and future stormwater facilities will also be designed and operated to this effect.

For the Fresno/Clovis region, the imposition of site-specific requirements and mandatory SWRCB review of infrastructural elements implementing these requirements is unnecessary. Concurrent increases in the cost of development and extension of construction timeframes will duplicate requirements already in place. Developers in this region already pay for the expansion and maintenance of a regional flood control system that limits neighborhood and regional stormwater runoff discharges to receiving waters to levels at or below pre-development levels. Additional requirements would do nothing to improve receiving water quality in the Fresno/Clovis area.

The new permit requirement for sampling receiving waters immediately upstream and downstream of each drainage location when construction project stormwater discharge exceeds a Numerical Action Level or Numeric Effluent Limit is problematic for the Fresno/Clovis region. In the Fresno/Clovis area, "downstream" waters are urban detention basins which are the terminus for most urban flows. Virtually all surface flows from the region are conveyed via District infrastructure to a ponding basin for storage, infiltration and transfer to other basins. When basin capacity is exceeded, water is discharged to an irrigation canal or to the San Joaquin River via one of the planned basins near the river.

Overall, the sampling requirements in the new permit reflect an unrealistic, oversimplified conception of stormwater management in the Fresno/Clovis area. By the time project-specific runoff makes its way through the public drainage system to receiving waters, it has been intermingled with runoff from many square miles of urban land uses. Sampling at receiving waters in order to judge the impact of individual construction projects would provide no useful data to decision makers.

Given the above considerations, the Fresno Metropolitan Flood Control District, its Co-Permittees and any other Permit-implementing agencies in similar circumstances should be exempt from receiving water monitoring requirements or the permit language should be

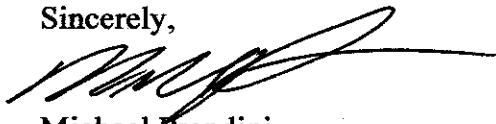
**Preliminary Draft General Construction Permit**  
**May 2, 2007**  
**Page 3**

changed to reflect the difficulty in connecting construction site runoff to receiving water quality.

The regulations need to acknowledge that in some parts of the State the topography is such that deliberate soil stabilization/cover is unnecessary. In our region, many sites are flat and easily turned into minimum sediment transport zones by installing the usual types of sediment perimeter controls (wattles, silt fences). In these cases, soil type is not the most influential variable; slope and topography, analyzed in the context of the MUSLE and the design storm, are the dominant factors. Minimum erosion control along with perimeter sediment controls will most likely control sediment runoff; if BMPs are in place and working, 100% soil cover/soil stabilization should not be necessary.

We thank you again for the opportunity to review the Preliminary Draft General Construction Permit and to provide our thoughts in developing a more proactive and constructive stormwater management program. If you have any questions regarding our comments, please feel free to contact me at (559) 261-9344 or by email at [mikep@biasjv.org](mailto:mikep@biasjv.org).

Sincerely,



Michael Prandini  
President and CEO