



Linda S. Adams  
Secretary for  
Environmental Protection

## California Regional Water Quality Control Board San Francisco Bay Region

1515 Clay Street, Suite 1400, Oakland, California 94612  
(510) 622-2300 • Fax (510) 622-2460  
<http://www.waterboards.ca.gov/sanfranciscobay>



Arnold Schwarzenegger  
Governor

Public Comment  
Dft. Construction Gen. Permit  
Deadline: 6/24/09 by 5:00 p.m.

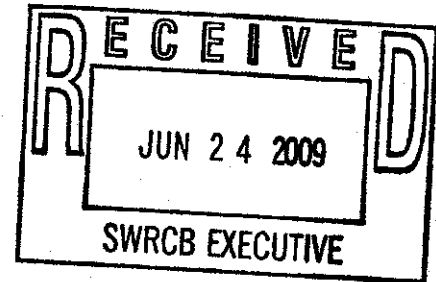
June 25, 2009

*By e-mail transmittal to [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)*

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

Dear Board Members:

**Subject: Comment Letter – Draft Construction General Permit**



We strongly support the adoption of the draft Statewide NPDES Construction Stormwater Permit (Permit). In this letter, first, we highlight attributes of the draft Permit that make it an effective water quality protection tool. Second, we request specific minor modifications that will help dischargers understand and, therefore, comply with the Permit, and that will help us focus our oversight and enforcement of the Permit.

**We support the following attributes in the draft Permit:**

The draft Permit is a vast improvement over the current Order No. 99-08-DWQ. We applaud the hard work of State Water Board staff, the inclusion of "Blue Ribbon Panel" technical recommendations, and the extensive public review and comment process. All of these contributed to the strength of this draft Permit. We particularly support the following elements:

- Simplified (since last draft) Risk Determination calculations.
- Well-organized, logically structured Permit document with Risk Level-specific requirements as attachments and supporting worksheets and documents as appendices.
- Tiered responsibilities and consequences based on Risk Level.
- Numeric action levels for higher Risk Level sites that trigger specific self evaluation and BMP improvements.
- Numeric effluent limits for higher Risk Level sites.
- Inclusion of site map and SWPPP in required Permit Registration Documents.
- Rain Event Action Plan requirement for higher Risk Level sites.

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- Required electronic Permit Registration document submittal and compliance self-reporting.
- Required bioassessments for large, high Risk Level sites.

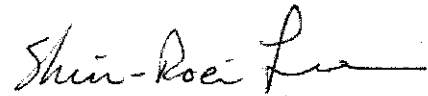
**The following suggested changes will make the Permit easier to implement:**

While the draft Permit, if implemented, will be a more effective water quality protection tool, it is, by nature, much more complicated than the previous iteration. Therefore, we suggest the following subtle Permit modifications and development of supporting tools to help both discharger and Regional Water Board staff implement the new Permit:

- The time of the year in which a construction project is active greatly affects its Risk Level. This built-in deterrent to construction during the wet season should be more “advertised” in the Fact Sheet and the Risk Determination Worksheet.
- The Rain Event Action Plan (REAP) templates provide an opportunity to guide dischargers in evaluating whether they are in a “period of high risk of pH discharge” and therefore are required to sample for pH. Please work this into the REAP checklists.
- Please make sure all links in the Risk Determination Worksheet are working correctly. We reiterate our request that all supporting references be housed on Water Board web pages and served from Water Board data servers. Also, Region-specific requirements, such as the Tributary Rule, should be clearly pointed out to the dischargers.
- The specific capabilities (or lack thereof) of the stormwater database will significantly impact Regional Water Board staff’s ease of overseeing compliance and enforcing the new Permit. Therefore, we request the following functionalities be developed for the stormwater database:
  - Flagging sites that have had a qualifying rain event (and therefore, should be reporting).
  - Flagging numeric effluent limitation exceedances.
  - Flagging when sites have a “period of high pH discharge” and therefore, are required to sample for pH.
  - Geographically sort sites by Risk Level.
  - Facilitating inspection “driving routes” for geographically clustered Permitted facilities.

Thank you for the opportunity to comment. We hope that you swiftly adopt the draft Permit. If you would like to discuss our comments with us, please contact Christine Boschen of my staff at (510) 622-2346 or via e-mail to [cboschen@waterboards.ca.gov](mailto:cboschen@waterboards.ca.gov).

Sincerely,



Shin-Roei Lee, Chief  
Watershed Management Division