

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

3152 Shad Court
Simi Valley, CA 93063
April 29, 2009

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

Re: "Comment Letter - Draft Construction General Permit."

Dear Ms. Townsend:

The following are my comments on the aforementioned subject for the Board to take into consideration.

DRAFT FACT SHEET CGP

- #1 - Add a cover sheet to this document.
- #2 - Label the TABLE OF CONTENTS first page as "i". Center "i" for consistency with the other pages. To the bottom of the page, add "Draft Fact Sheet CGP" and "April 22, 2009".
- #3 - Label the LIST OF TABLES page as "ii".
- #4 - To the bottom of the BACKGROUND page, add "Draft Fact Sheet CGP" and "April 22, 2009". Center "-1-" for consistency with the other pages.
- #5 - Page 12, fourth paragraph, third sentence, it is stated "The Regional Water Boards have the authority to require Risk Determination to be performed on projects currently covered under Water Quality Order No. 99-08-DWQ where they deem necessary." A list of the currently covered projects must be included in light of the fact that "existing dischargers subject to Water Quality Order No. 99-08-DWQ" will be grandfathered (same paragraph, first sentence).
- #6 - Page 13, paragraph after number 5, first sentence, it is stated "Additionally, authorized

non-storm water discharges must not used to clean up failed or inadequate construction or post-construction BMPs designed to keep materials onsite." Add the word "be" between "must not" and "used to clean".

- #7 - Page 13, paragraph after number 5, second sentence, it is stated "Authorized non-storm water dewatering discharges may require a permit because some Regional Water Boards have adopted General Permits for dewatering discharges." List the Regional Water Boards that have adopted these types of General Permits.
- #8 - Page 19, the first paragraph after Section H, it is stated "The Blue Ribbon Panel (BRP) made the following observation about the lack of industry-specific training requirements: 'Currently, there is no required training or certification program for contractors, preparers of soil erosion and sediment control Storm Water Pollution Prevention Plans, or field inspectors.' Order 99-08-DWQ does require that all dischargers train their employees on how to comply with the permit. But there is no specific curriculum or certification program required by Order 99-08-DWQ. This has resulted in inconsistent implementation by all affected parties - the dischargers, the local governments where the construction activity occurs, and the regulators required to enforce 99-08-DWQ. This General Permit requires SWPPP developers and practitioners to obtain appropriate training and makes this curriculum mandatory two years after adoption, to allow time for all to complete the course(s). State and Regional Water Board staff are working with many stakeholders to develop the curriculum and mechanisms needed to develop and deliver the courses." This is mind boggling. This is why the Tentative Orders for municipalities NPDES permits must include the SWPPP section. Stating "Not Applicable" in individual NPDES permits will no longer do in light of this information; even after all the training criteria has been met. No wonder Los Angeles Regional Water Quality Control Board staff is overtaxed, and documents are incomplete and inaccurate, and Tentative Orders'

format templates' consistency is sorely lacking. No wonder the enforcement authority of the Board has suffered for years to truly restore the water quality in our regional waterbodies; thus the need to work jointly with the California Attorney General's office. No wonder most of my time has been taken up mostly with correcting Orders documentation errors and format, and adding deleted words instead of concentrating on the permits' proposed requirements in order to meet the public review and comment deadlines. No wonder Board Website archival of continued draft Tentative Orders has suffered. No wonder submitted comments during documents' public review and comment periods are being responded to instead of having entire submittals posted on the Board's Website which has led to selectiveness by the Board's staff--minor comments make the grade while controversial ones fall by the wayside.

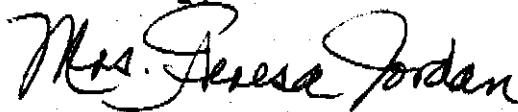
- #9 - Page 22, Table 5, add a space between "5" and "--" to be consistent with the other Tables.
- #10 - Page 23, Table 6, add a space between "6" and "--" to be consistent with the other Tables.
- #11 - Page 26, Section 4. Record Keeping, it is stated "...the discharger is required to retain paper or electronic copies of all records required by this General Permit for a period of at least three years from the date generated or the date submitted to the State Water Board or Regional Water Boards. A discharger must retain records for a period beyond three years as directed by Regional Water Board." Three years is not enough time. Five years must be the benchmark. For municipalities, permanently.
- #12 - Page 32, sentence after Section "ii.(5)", it is stated "This General Permit requires the discharger or its LRP to develop and implement an SWPPP for these construction activities that are specific for project type, location and characteristics." Change "an SWPPP" to "a SWPPP" to be consistent with the sentence after Section "iii.(5)".

- #13 - Page 42, third paragraph, it is stated "Traditional structural water quality BMPs (e.g. detention basins and other devices used to store volumes of runoff) unless they are highly engineered to provide adequate flow duration control, do not adequately protect receiving waters from accelerated channel bed and bank erosion, do not address post-development increases in runoff volume, and do not mitigate the decline in benthic macroinvertebrate communities in the receiving waters" suggests that structural BMPs are not as effective in protecting aquatic communities as a continuous riparian buffer of native vegetation." Change "suggest" to "suggesting". This statement was mind boggling. How is the general public supposed to know whether or not detention basins and other devices used to store volumes of runoff are highly engineered to provide adequate flow duration control?
- #14 - Page 43, under Section M. Storm Water Pollution Prevention Plans, last sentence, it is stated "A Qualified SWPPP Developer must possess one of the eight certifications and or registrations specified in this General Permit and effective two years after the". Add a "/" after "and".
- #15 - Page 45, Table 9, Certification/Title column, for the "Minimum 5 years experience developing SWPPPs" personnel it is stated under the "Registered By" column "None"!!! And, under the "Certification Criteria" column all that is stated is "Accountability". There must also be required of this personnel a "Code of Ethics", "Approval Process", and "Continuing Education"!!!
- #16 - Page 46, Section N is titled "Regional Water Board Authorities". Even though the Draft Order states "Regional Water Board Authorities", since ATTACHMENT A, Page 40, under Section K states "REGIONAL WATER QUALITY CONTROL BOARD AUTHORITIES", change the Draft Fact Sheet's Page 46, Section N title to read "Regional Water Quality Control Board Authorities".

- #17 - Page 5, Section F. Summary of Significant Changes in This General Permit, I am opposed to the Rainfall Erosivity Waiver option proposal.
- #18 - Page 5, Section F. Summary of Significant Changes in This General Permit, I am opposed to the Project Site Soil Characteristics Monitoring and Reporting option proposal since it sounds like dischargers don't have to monitor and report the soil characteristics at their project locations.
- #19 - Page 5, Section F. Summary of Significant Changes in This General Permit, for the Receiving Water Monitoring and Reporting proposal "all" not just "some" Risk Level 3 dischargers must be required to monitor receiving waters and conduct bioassessments.
- #20 - Page 5, Section F. Summary of Significant Changes in This General Permit, for the Rain Event Action Plan proposal "all" not just "certain sites" must be required to develop and implement a REAP.
- #21 - I am opposed to grandfathering the existing dischargers subject to Water Quality Order No. 99-08-DWQ.

Ms. Townsend, I will submit the rest of my comments on other proposed General Permit documents in a follow-up letter for the Board's consideration.

Sincerely,



Mrs. Teresa Jordan