

June 24, 2009

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

Re: Comments on the Draft National Pollutant Discharge Elimination System
General Permit for Discharges of Storm Water Associated with Construction
Activities

Dear Ms. Townsend:

The attached package represents the formal comments of the California Building Industry Association (CBIA) on the National Pollutant Discharge Elimination System General Permit No. CAR000002 Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activities (“the Draft Permit”). The comments contained therein also represent the views on the Draft Permit of the Building Industry Legal Defense Foundation and the Construction Industry Coalition on Water Quality.

All of these organizations, hereafter referred to as “CBIA”, support the water quality goals of the State Water Resources Control Board (“the Board”) but have serious concerns with the Draft Permit. Indeed, CBIA has continually advised the Board over the past several years that it supports the goal of improving the management of sediment content in storm water running off construction sites but, unfortunately, sees the Draft Permit’s requirements in this area as unworkable – creating serious complications for and excessive costs of development.

CBIA believes there is a better, more effective way of improving stormwater management and is recommending an alternative approach.

The comments of CBIA and the contents of this package highlight several critical areas of concern with the Draft Permit:

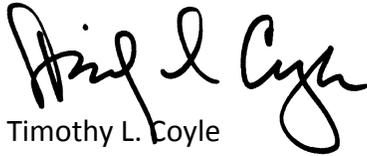
- The Legal implications of the Draft Permit;
- Serious technical defects in the Draft Permit; and
- Significant economic impacts resulting from the Draft Permit.

CBIA has reviewed, analyzed, and provided substantive comments on various versions of the Draft Permit over the past few years, including legal and technical comments on a preliminary draft of the permit that was released for public comment and review in March 2007 and a tentative draft of the permit that was released for public comment and review in June 2008. In that connection, CBIA has participated in numerous stakeholder groups that generated additional interim comments in 2008. CBIA respectfully requests that the comments and research information produced for these activities be included as part of this rulemaking process. Copies of those materials are being provided to the Board.

Ms. Jeanine Townsend – General construction stormwater permit
June 24, 2009
Page 2

If you have any questions about the contents of this package, please direct them to me (916) 443-7933, ext. 307 or tc Doyle@cbia.org or Julie Benson at (916) 443-7933, ext. 351 or jbenson@cbia.org. Thank you.

Very sincerely yours,

A handwritten signature in black ink, appearing to read "Timothy L. Coyle". The signature is fluid and cursive, with the first name "Timothy" and last name "Coyle" clearly legible.

Timothy L. Coyle
Senior Vice President

cc: Dorothy Rice, Executive Director, State Water Resources Control Board