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To: <commentletters@waterboards.ca.gov>
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Subject: Comment Letter–Construction General Permit NEL Amendment due 5.14.2012 Noon

These are ministerial procedures without regard to discretionary actions that may be part of the Municipal responsibility under the General Plan and Its Elements.

It may remove monitoring responsibility under CEQA that is part of the Municipal responsibility under the General Plan and Its Elements.

This may also change discretionary actions for the project itself and the monitoring responsibilities under CEQA.

Section:

Fact Sheet, Section II.F, Effluent Standards for All Types of Discharges, Page 13-19

Technology-Based Effluent Limitations

You use the term “narrative” but what is the basis for the guidelines. How did you conclude. How is the integrated approach used, or not used. How is BPJ Best Professional Judgment exercised.

Effluent Limitations refer to Point Sources. We are not clear if this meaning applies in the same way.

Determining Compliance with Numeric Limitations
56.

An exceedance of a NAL (NAL Numeric Action Levels) does not constitute a violation of this General Permit.

What does trigger a violation. This negates the ministerial approach, if there is no violation. This is a blank check.

Order, Section I.J, Findings – Sampling, Monitoring, Reporting and Record Keeping, Page 11

64. Risk Level 3 and LUP Type 3 sites with effluent that exceeds the Receiving Water Monitoring Triggers contained in this General Permit and with direct discharges to receiving water are required to conduct receiving water monitoring. An exceedance of a Receiving Water Monitoring Trigger does not constitute a violation of this General Permit.

Again, what does trigger a violation. This negates the ministerial approach, if there is no violation. This is a blank check.

d. LUP Type 3 Receiving Water Monitoring Requirements

i. In the event that an LUP Type 3 discharger’s effluent exceeds the receiving water monitoring triggers of 500 NTU turbidity or pH range of 6.0-9.0, contained in this General Permit and has a direct discharge to receiving waters, the LUP discharger shall subsequently sample Receiving Waters (RWs) for turbidity, pH (if applicable) and SSC.

How was the monitor established, i.e., what science is applied.

Attachment E, Section I.4.f, Risk Level 3- Water Quality Sampling and Analysis, Page 13
Receiving Water Monitoring Requirements

Again, how was the monitor established, i.e., what science is applied.

What burden will there be for the taxpayer for remediation or fines down the road.

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