



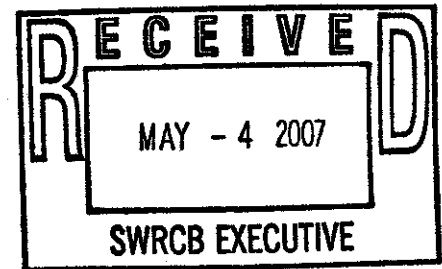
Quad Knopf

Construction General
Permit - Stormwater
Deadline: 5/4/07 5pm

May 4, 2007

Attn: SWQCB

Re: Re-Issuance of the Construction Activities General Permit



Board Members:

I have reviewed the Fact Sheet on the proposed revisions to the Permit and attended the Forum in Sacramento on April 20, 2007. I am a SWPPP Provider (Environmental Compliance Specialist) associated with an engineering consulting firm in the Central Valley, in a Phase II Community.

I purposely wrote this letter from a non-technical point of view because I work primarily with the field and the hands-on persons at the site, and though the technical and professional views are clearly stated through out the proposal, the field point of view is not.

As a MS4 Phase II community, enforcement of the SWPPP's has been minimal, and I believe I heard at the Forum that this is partially the reason for the pending updates. It has been stated Phase I Cities have not preformed well enough to stop or retard the water quality issues, so the restrictions that should be placed on these particular communities are now proposed to be placed on ALL communities. With the proposed new requirements, the smaller, Phase II communities will be doubly burdened. This entire effort could end up being an expensive failure.

Understanding the battle between the environmental view with the need for scientific hard data and the construction industries need to still be able to build, the State is between a rock and a hard place. However, I see a solution to both. ***"Change Phase I communities and regions directly affecting coastal and U.S. waterways the most, to the proposed TMDL testing regime, and let Phase II communities attempt to regulate with best management practices, and then enforce them both!"*** We are regionalized for a logical reason so let's use it. The key is staffing and enforcing. We can not accomplish the desired water quality data and improvement with a volunteer, self-managed approach. The State has to take charge.

Why not look to apply the restrictions to the areas that have proven to need them? In general I refer to the Phase I communities, and those regions that discharge into waters of the U.S. Please don't misunderstand. The technical presentation at Friday's event did make the point that solid data is needed to be able to gauge the effectiveness of current regulations proposed on storm water quality. This is necessary to allow the establishment of improved baselines. I propose that each community, both Phase I and Phase II, have the opportunity to establish data appropriate to their areas, and then implement the revisions regionally. This puts the efforts in the areas to make the most difference. The Phase I communities have been implementing systems. They have been gathering some data. They are generally larger communities which possibly have the budget and staff to put to the needs of TMDL testing, and higher regulatory requirements.

Enforcement of existing regulations has not been sufficient to evaluate their effectiveness! From an informal survey of construction managers in the area, site inspectors by regulators are very rare. Regional Water Board needs to have an active role in the development and implementation of plans and programs. Who is approving the plan? How is the plan determined to be sufficient? It should be the Regional Office.

1) To not have plans approved or reviewed seems neglectful. Reviewing plans would provide a way the technical data needed can be gathered through the Water Board where it can truly affect quality issues. (Regional Office responsibility)

2) What about field, sampling, and monitoring training for Preparer's, MS4 staff, Developers – the Data Collection Agent or Representative? Better understanding of the application of the plan would create better plans themselves. Training to get the appropriate staff in the offices, and the field is critical to development of the program. (Training programs presented by the Regional offices) **The regulation proposed may not be feasible due to insufficient ability to perform the technical testing and sampling required.** The Board should consider who will be performing the testing and data collection. The regulated communities may not possess sufficient scientific or technical personal. One of the issues set forth on Friday was the need for field-friendly testing. This is an important issue that must be resolved before proceeding with the new regulations.

Thank you for the opportunity to share my perspective. I feel this is very critical to the effectiveness of the program, and the ultimate result in Water Quality. It is obvious the Panel and Staff thus far have thoroughly ascertained the technical aspect of the Permit by determining the needs for and data required to document Water Quality, as well as the effects of Construction. I just don't think we have developed the proper approach for our desired results. Since the permit must be administered in the field, by field personal, and not in a laboratory by degreed staff, the permit needs to be written so that the person in the field can administer and comply correctly.

One last question; Page 11 of 40 in the fact sheet. Bullet point #5 is the only statement that refers to "water quality" It states "...water quality standards for discharges..." What is the real purpose here? Why isn't there more focus on quality?

In conclusion I would like to reiterate if it is not controlled by the State or agencies assigned, regulations of any kind will not be performed in the matter that is desired for the data required to make a difference. The Air Quality Board in our valley not only determines the regulations, but also reviews plans submitted by property owners for compliance, and inspects and enforces the regulations. This is how I feel the permit could be most improved.

Passionately, Lori Dowling
Environmental Compliance Specialist