

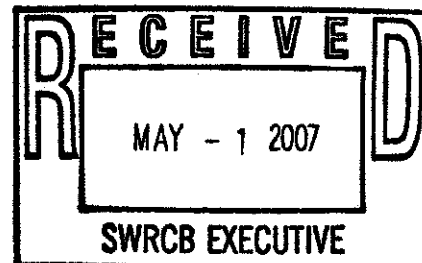


CITY OF COVINA

125 East College Street • Covina, California 91723-2199

May 1, 2007

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



Subject: Comment Letter - Draft NPDES Construction General Permit

Dear Chair Doduc and Members of the Board:

I am writing on behalf of the City of Covina to submit comments on the Draft NPDES Construction General Permit. We appreciate the opportunity to comment on the proposed new regulations. Both City construction projects and private developments will be impacted by the proposed new regulations. The City has worked diligently over the last five years to implement the current construction project erosion control requirements through our building permit review and inspection process. While there is room for improvement in the current construction project erosion requirements, the proposed Draft Construction General Permit is a major departure from current regulations.

We appreciate several elements of the proposed permit, such as the goal of creating risk-based requirements on anticipated erosion and construction runoff potential. We also support the goal of better performance measures and minimizing hydromodification. However, we have major concerns with several aspects of the permit, as follows:

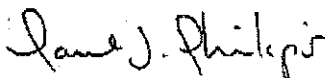
- The proposed regulations would apply to all municipal projects, including police and fire stations, parks, civic centers, etc. We are not aware of an analysis of the likely costs of these new construction regulations, as opposed to the benefits to water quality. As the Board is aware, the cost of municipal construction projects has dramatically increased over the last five years. Local government must abide by labor compensation and project bidding standards that are not required in the private sector. As a result, municipal projects generally cost 20% more than equivalent private sector projects. We believe the Board should consider creating a separate section of the permit for municipal construction projects that builds upon and improves current erosion control standards while you direct staff to complete a cost-benefit study.
- We do not understand the need for public review of the Construction General Permit application documents. These are essentially construction erosion control measures, not development review projects. Public review of major construction projects typically occurs with the planning entitlements (subdivision maps, conditional use permits, specific plans, design review, etc.). These processes typically include CEQA review, where erosion and construction runoff measures are included in projects. As such, another public review period, particularly of a 90-day duration, seems excessive and redundant. Few cities will move forward with projects during a 90-day review period, resulting in additional costly project delays.
- We are concerned that the new regulations will require Automated Treatment Systems (ATS) for most construction sites, including "low-risk" sites as defined by the regulation. ATS systems will require either expensive chemical or electrical treatment of

construction runoff, and will trigger costly water quality monitoring requirements and plans for back-up water storage, should these systems become toxic or be inundated. ATS will require the rental of expensive Baker tanks or tanker trucks that would be placed on "standby." In addition, we do not understand the basis for ranking soils and it appears that the permit makes no real distinction between "high" and "medium" risk soils.

- The proposed permit would limit the areas of construction activity to five acres or less in order to avoid installing an ATS system. This would mean that a city would have to construct a park or municipal project in five-acre sections in order to avoid the installation and operational costs of the ATS system. This will prove to be an impractical and costly proposal, since it may result in additional contractor mobilization, site grading and development costs.
- Although limiting project runoff in order to reduce hydromodification of channels is a laudable goal, the current draft of the Construction General Permit will provide confusing and overlapping requirements if not modified. We believe that hydromodification is more appropriately addressed in the MS4 Permit, since controls should be placed into projects at the initial design stage. The hydromodification requirement also does not seem appropriate for the urban areas of Los Angeles County, where our communities drain into fully improved, concrete-lined flood control channels and rivers. The proposed permit should provide an exemption for communities where hydromodification is addressed under their MS4 NPDES Permits and should not apply at all to concrete-lined flood control channels or rivers.
- The proposed permit should be consistent with the recommendations of the Numeric Limits Panel of Experts commissioned by the State Board. We question the need for both Action Levels (ALs) and Numeric Effluent Limitations (NELs) at this time. The Expert Panel noted that the State Board could consider phased implementation of numeric limits and action levels.
- Finally, we are concerned that the Construction General Permit may be interpreted by the Regional Boards to involve maintenance projects, including the reconstruction of streets. We respectfully request that the proposed Construction General Permit provide clear and unambiguous language that street construction and maintenance projects are exempted.

Thank you for the opportunity to comment on the proposed Construction General Permit. We look forward to working with the State Board to improve the regulations as they move forward through the public review process. If there are any questions, our City contact is Charles Redden at (626) 858-7204 at the address above.

Sincerely,



Paul Philips
City Manager

cc: Steve Henley, Director of Public Works
Coalition for Practical Regulation
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