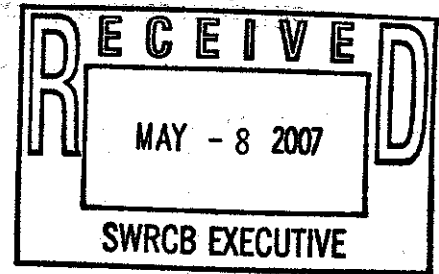


Construction Permit
Deadline: 5/4/07 5pm

SISLER  **SISLER**
CONSTRUCTION

5/4/07



STATE WATER RESOURCES CONTROL BOARD
ATTN: SONG HER
1001 I STREET
SACRAMENTO, CALIFORNIA 95814

To whom it may concern:

I assume there is a draft update to the NPDES General Permit because someone thinks that what is being done at the time is inadequate. This is not true. As a contractor that has been dealing with SWPPP's since their inception it is very clear that the vast majority of contractors make a conscious effort to implement their SWPP plan and keep it updated. To say otherwise is just not true. The NPDES Permit should use a BMP approach and effort should be a criterion.

The economic effects of some of these new recommendations could be staggering. The construction industry is one of the big components in the California economic engine and if any of these recommendations are adopted it will effect every single person in the state – from the concrete finishers, sheetrock hangers, painters, pipe layers, contractors, and developers to the person buying a house, building a deck, commuting to his job at the SWRCB, or working at Goldman Sachs. The construction industry is not trying to duck its responsibility; on the contrary, we are doing utmost to adhere to the NPDES rules and in most cases are being successful. All we read about are the excesses and fines, there is never a word uttered about the thousands of projects built with no violations, good housekeeping, and good relations with the agencies.

I found out about the NPDES update and comment period by accident, with no notification from SWRCB or any other government body. I only found out today was the last day at a SWPPP conference in Elk Grove, California on May 1. I had been told by a woman in your office on April 13 that there was NO final date for comments. Over the past 15 years we have filed many SWPPP's – why wouldn't you use that data for notification? The comments below are terse but pointed. I have read most of the report but some I do not understand and have no time to research because of the lack of notification. Believe me, this is a subject that I am very interested in because of the effect it has on me my company, my family, and the State of California.

I have reviewed the "Draft NPDES Permit for Construction Activities" and below are my comments:

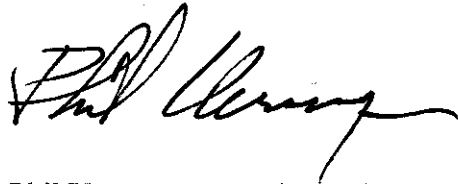
1. I have a list of members of your Blue Ribbon panel and not to include a contractor or developer is an oversight on your part. The panel is academicians, government researchers, or vendor / consultants.
2. Has anyone in a government regulatory body ever tried to attach a cost to the effort put forth by owners and contractors to adhere to the permit as it now exists? It is substantial and your new recommendations make it much more expensive.
3. Preparation, Implementation, and Oversight – I guess a contractor with 15 years experience writing and implementing SWPP plans would have no business doing any of this. Why? Just because a person has a bunch of letters after their name it does not mean they are capable.
4. Technology - based ALs and NELs is too difficult to test and unfeasible on smaller sites. The document states that Oregon and Washington have adopted Action Level Technology but they also have much, much more rain than we do in most of California. If this is a requirement it should be for very large sites only where this cost will be a smaller amount of the entire improvement budget. By large I mean 25 acres and above.
5. The risk based permitting of having a low, medium, or high risk sites in the valley is too onerous to even imagine. Any clay ground would require an Active Treatment System, which with smaller sites is cost prohibitive. By adopting this you are cutting the construction season down so far that it has a disastrous effect – more of the work force out of work for longer periods, supply problems, and longer bank construction loans.
6. Having a REAP requirement for each rain event is ridiculous. You already have reporting requirements in place, why reinvent the wheel?
7. Hydromodification Impacts – If you are saying that the runoff from a finished site should be equal to a pre development runoff levels that may be physically possible but it is not economically feasible to build a viable project.
8. Phased Mass Grading – Mass grading is usually phased by the economics of the operation. In the valley on large jobs you may have one or two thousand feet or more between cuts and fills so limiting the area to certain amounts of acreage defeats the purpose of the operation. If there is any recommendation at all, and I think there should be none, it should be a site specific decision.
9. Monitoring per Attachment E – You have reporting requirements in place now with the permit as is. Attachment E is overkill.
10. Cost Breakdown – Why do you need a cost breakdown of material? I don't think you care – we care as the work force of California because it affects our ability to make a living and feed our families. The true cost of these recommendations includes lost production, labor, and overhead, which the owner already has. These new requirements just add another layer of cost.

The construction community tries very hard to work within the parameters of the existing NPDES permit and it shows all over the state. The BMP and BAT approach works and will continue to work if the owners and agencies become partners and not adversaries. I believe we can reach the desired results with education on BOTH sides. The implementers need to keep their education and effort at the highest level and the

regulators need to understand that this should be effort based. Are there going to be violations? Yes. Are there going to be mistakes? Yes. Are there going to be excesses? Yes. But on the other side, are there going to be exemplary projects? Yes, and many more great projects than not.

Do not adopt these recommendations without more owner / contractor involvement.

Sincerely,

A handwritten signature in black ink, appearing to read 'Phil Vercruyssen', written in a cursive style.

Phil Vercruyssen – Site Project Manager