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June 23, 2009

Via E-mail & U.S. Mail

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814
(commentletters@waterboards.ca.gov)

Dear Ms. Townsend:

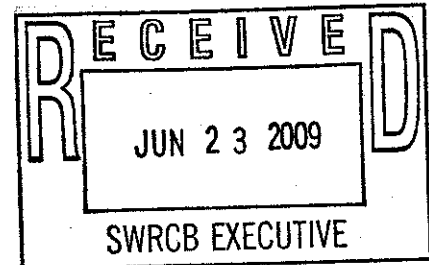
Subject: Comments on the Proposed NPDES General Permit for Discharges of Storm Water Associated with Construction Activities

Eastern Municipal Water District (EMWD) appreciates the opportunity to provide our comments on the 2009 National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated Construction and Land Disturbance Activities. We support the State's goal to update the Storm Water Discharges for Construction in protecting surface water objectives. However, we are very concerned with this NPDES Draft Permit as written, it adds overly burdensome requirements to the construction program.

On June 11, 2008, EMWD submitted comments on the 2008 draft version of the permit to the State Water Resources Control Board. Those previous comments are incorporated into this letter. With regard to the 2009 version of the draft permit, EMWD offers the following comments.

Permit Timing Coverage

Section II.,B., 5., of the permit states the discharger is only considered covered by this General Permit upon receipt of a Waste Discharger Identification (WDID) number assigned and sent by the State Water Board Storm Water Multi-Applications and Report Tracking System (SMARTS). EMWD recommends that permit coverage be revised throughout these documents to indicate permit coverage shall commence when the PRDs and associated fees are received by the SWRCB.



Active Treatment Systems

The use of Active Treatment Systems (ATS) should be removed from the permit. Construction and land disturbance activities are temporary actions which make storm water flows difficult to control. ATS are ideal for permanent structures, but for application and control in temporary situations, ATS can be difficult to manage. Passive systems are more ideal and still can be effective.

Linear Underground Projects

Linear underground projects (LUPs) that are less than five acres should not be included in the general permit. LUPs significantly differ from perimeter bound projects. LUP areas disturbed during construction are returned to preconstruction conditions or protected at the end of each day and therefore have a minimal potential to impact storm water quality. For LUPs greater than five acres, the construction site may vary significantly as the project progresses and should remain in this permit. The State Board should leave the existing linear permit in place and revise it to include projects larger than five (5) acres.

Effluent Standards, Numeric Effluent Limitations (NELs)/Action Levels (NALs)

Numeric Effluent Limitations, Page 9, Paragraph 52 sets an NEL turbidity limit of 500 NTU. EMWD recommends that the turbidity limit of 500 NTU be removed. Rather than setting a limit of 500 NTU, a reduction of turbidity would adequately show the (BMPs) effectiveness.

With regard to Numeric Action Levels, Page 9, Paragraph 54 sets a pH NAL of 6.5 to 8.5. EMWD recommends an exception statement be added for ambient condition that exceeds the pH NAL. The turbidity NAL included in this paragraph should also be removed. Rather than setting a limit of 250 NTU, a reduction in turbidity would adequately show the BMPs effectiveness.

EMWD additionally recommends that Table 1 on Page 28 be revised to remove the Turbidity NAL/NEL of 250 and 500 and instead require a demonstration of Turbidity reduction. Table 1 should include a footnote to NAL/NEL stating exception for ambient PH exceed level/limit as well.

Discharge Limitations

EMWD recommends modifying Page 20, Paragraph E regarding soil contamination as follows:

"When soil contamination is found or suspected and a responsible party is not identified, or the responsible party fails to promptly take the appropriate action, the discharger shall notify the appropriate local, State, and federal agency(ies) when contaminated soil is found at a construction site, and will notify the appropriate Regional Water Board."

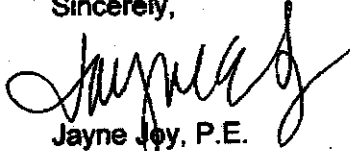
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Post-Construction Requirements

The permit includes performance standards for post-construction. Page 17, D., 1., f., requires establishment of a long-term (minimum of five years) maintenance plan. Long-term post-construction issues should be handled through County Storm Water MS4 programs.

Thank you for the opportunity to comment, if you have any questions, please feel free to contact Al Javier at (951) 928-3777 extension 6241 or Karen Hackett at extension 4462.

Sincerely,



Jayne Joy, P.E.

Director of Environmental and Regulatory Compliance

JJ/JEW/AJ/KH:tm/kh

cc: Records Management