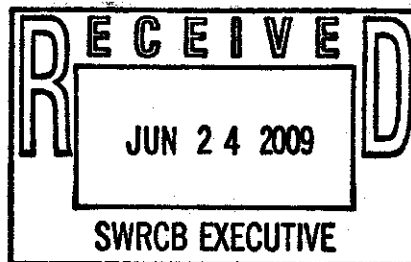




Public Comment  
Dft. Construction Gen. Permit  
Deadline: 6/24/09 by 5:00 p.m.

THE CITY OF SAN DIEGO

June 24, 2009



Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814  
[commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Subject: City of San Diego Comment Letter – Draft Construction General Permit

Dear Ms. Townsend:

The City of San Diego's Storm Water Department is pleased to provide the State Water Resources Control Board (State Board) with comments regarding the 2009 Draft Construction General Permit, dated April 22, 2009, and errata, dated June 10, 2009. We appreciate the opportunity to provide comments on these important documents.

City of San Diego staff has prepared the enclosed table of comments indicating where clarity on the intent and the specific details of compliance activities are needed in order to assure that municipal staff can successfully carry out the requirements of the new permit. Your consideration and approval of our recommendations and requests is greatly appreciated. If you have any questions, please contact Sumer Hasenin at (858) 541-4330 or [yhasenin@sandiego.gov](mailto:yhasenin@sandiego.gov).

Sincerely,

  
Kris McFadden  
Deputy Director

KM/jn

Attachment: Table – City of San Diego Comments on Draft NPDES General Permit for Storm Water Discharges Associated with Construction & Land Disturbance Activities

cc: Chron File  
Tony Heinrichs  
Sumer Hasenin  
Ruth Kolb



Storm Water Department

9370 Chesapeake Drive, Suite 100, MS 1900 • San Diego, CA 92123  
Hotline (619) 235-1000 Fax (858) 541-4350

CITY OF SAN DIEGO COMMENTS ON DRAFT NPDES GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED CONSTRUCTION & LAND DISTURBANCE ACTIVITIES			
Permit Section	Permit Page	Section Title/Topic	Reason for Proposed Changes/Comments
Draft Fact Sheet (DFS) II.E	13	Discharge Prohibitions	"Additionally, authorized non-storm water discharges must not be used to clean up..."
DFS II.F.1.i	15	Effluent Standards for All Types of Discharges	"The chosen proposed limits were established by calculating three standard deviations above and below the mean of pH of runoff from highway construction sites in California."
DFS II.F.1.i	15		"Proper implementation of BMP's should result in discharges that are within the range of 6.0-8.5 pH units."
DFS II.I.1	20	Sampling, Monitoring, Reporting and Record Keeping	Table 4: Bioassessment
DFS II.I.1	20		Table 4: Risk Level 1 Effluent "not required"
DFS II.I.1.b	20		The General Permit requires that all dischargers develop a sampling and analysis strategy for monitoring pollutants that are not visible in storm water.
DFS II.I.1.b	20		Monitoring for non-visible pollutants must be required at any construction site when the exposure of construction materials occurs and where a discharge can cause or contribute to an exceedance of a water quality objective.
DFS II.I.1.c	21		Subsequently, all Risk Level 2 and 3 dischargers must perform sampling and analysis of storm water discharges....
			<b>Comments/Proposed Changes</b>
			"Additionally, authorized non-storm water discharges must not be used to clean up..."
			This paragraph cites a Caltrans study as the basis for the pH range, and refers to three standard deviations. Page 18 of the fact sheet appears to cite the same study, but only refers to using a single standard deviation. Please clarify.
			This range appears to be a blend of NAL (6.0-9.0 pH units) and NEL (6.5-8.5 pH units). Is this the intended and correct range? A different pH range is stated on DFS page 18.
			Should be: Bioassessment
			Change to "where applicable" as was done in the Errata for Table 5.
			The General Permit requires that all dischargers develop a sampling and analysis strategy for monitoring pollutants that are not visible in storm water "or non-storm water". Disregard change if intent truly applies only to storm water.
			Text in draft permit states this monitoring only occurs if exposure is observed during visual inspection, but the Draft Fact Sheet indicates that monitoring shall occur at any construction site when the exposure of construction materials occurs and where a discharge can cause or contribute to an exceedance of a water quality objective.
			Inconsistent use of word "storm water" pertaining to Effluent monitoring requirements. See next comment.

**CITY OF SAN DIEGO COMMENTS ON DRAFT NPDES GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED CONSTRUCTION & LAND DISTURBANCE ACTIVITIES**

Permit Section	Permit Page	Section Title/Topic	Reason for Proposed Changes/Comments	Comments/Proposed Changes
DFS II.1.1.c	22		Table 5: Storm Water Effluent and footnote 13	Table 5 is titled Storm Water Effluent Monitoring Requirements by Risk Level. Under the frequency for Risk Level 2, a footnote is referenced. The footnote defines new discharges as any storm or non-storm water discharge. Given the recent trend towards using the EPA definitions of storm water and non-storm water, the monitoring requirements as described in the table are unclear. Does this table refer only to runoff generated during storm events or is it also applicable to non-storm water flows? If the latter, then perhaps the title of the table should read "Storm Water and Non-Storm Water..."
DFS II.1.1.d.i	23		"Macroinvertebrate(s)"	Change to "macroinvertebrate(s)" throughout document
Attachment C.1	7	Risk Level 1 Requirements	Table 1: "Monthly" Non-Storm Water Discharge Visual Inspection	Required on a "quarterly" basis, not monthly, in other sections of attachment and fact sheet.
Attachment C.1.7.a	10		Risk Level 1 dischargers shall collect a sample during any breach, malfunction, leakage, or spill observed during a visual inspection which could result in the discharge of pollutants to surface waters that would not be visually detectable in storm water.	Does the requirement apply to breaches, malfunctions, leakages, or spills outside of scheduled visual inspections?
Attachment C.1.7.a	10		Risk Level 1 dischargers shall collect a sample during any breach, malfunction, leakage, or spill observed during a visual inspection which could result in the discharge of pollutants to surface waters that would not be visually detectable in storm water.	Relationship between breach, malfunction, leakage, and spill and actual sampling duties is not clear. Please clarify what sampling actions must be taken to address a spill.
Attachment C.1.7.a	10		Risk Level 1 dischargers shall collect a sample during any breach, malfunction, leakage, or spill observed during a visual inspection which could result in the discharge of pollutants to surface waters that would not be visually detectable in storm water.	Based on Attachment C.1.7.c, should be reworded to say shall collect one or more samples.
Attachment C.1.7.b	10		Risk Level 1 dischargers shall ensure that water samples are large enough to characterize the site conditions.	Rephrase: Risk Level 1 dischargers shall collect sufficient sample volume so as to ensure that all required analyses can be performed.

**CITY OF SAN DIEGO COMMENTS ON DRAFT NPDES GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED CONSTRUCTION & LAND DISTURBANCE ACTIVITIES**

Permit Section	Permit Page	Section Title/Topic	Reason for Proposed Changes/Comments	Comments/Proposed Changes
Attachment D.I	10	Risk Level 2 Requirements	Table 1: "Monthly" Non-Storm Water Discharge Visual Inspection	Required on a "quarterly" basis, not monthly, in other sections of attachment and fact sheet.
Attachment D I.11.a	17		Risk Level 2 dischargers shall collect a sample during any breach, malfunction, leakage, or spill observed during a visual inspection which could result in the discharge of pollutants to surface waters that would not be visually detectable in storm water.	Does the requirement apply to breaches, malfunctions, leakages, or spills outside of scheduled visual inspections?
Attachment D I.11.a	17		Risk Level 2 dischargers shall collect a sample during any breach, malfunction, leakage, or spill observed during a visual inspection which could result in the discharge of pollutants to surface waters that would not be visually detectable in storm water.	Relationship between breach, malfunction, leakage, and spill and actual sampling duties is not clear. Please clarify what sampling actions must be taken to address a spill.
Attachment D I.11.a	17		Risk Level 2 dischargers shall collect a sample during any breach, malfunction, leakage, or spill observed during a visual inspection which could result in the discharge of pollutants to surface waters that would not be visually detectable in storm water.	Based on Attachment D.I.11.c, should be reworded to say shall collect one or more samples.
Attachment D I.11.b	17		Risk Level 2 dischargers shall ensure that water samples are large enough to characterize the site conditions.	Rephrase: Risk Level 2 dischargers shall collect sufficient sample volume so as to ensure that all required analyses can be performed.
Attachment E.I	10	Risk Level 3 Requirements	Table 1: "Monthly" Non-Storm Water Discharge Visual Inspection	Required on a "quarterly" basis, not monthly, in other sections of attachment and fact sheet.
Attachment E.I.4.f	13		Risk 3 dischargers shall electronically submit all storm event sampling results to the State Water Board no later than 5 days after the conclusion of the storm event.	Does this apply to only pH and turbidity, or to all samples collected? In regards to samples that must be analyzed in a lab setting, normal turnaround time for most labs exceeds 5 days (usually 7-10 business days). This requirement expedites lab sample turnaround, thereby increasing costs for lab services.
Attachment E.I.4.h	13		In the event that a Risk Level 3 .....shall subsequently sample receiving waters (RWs) for all parameters required in Section I.4.e above for the duration of coverage under this General Permit.	At what frequency shall sampling of RWs occur?

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Permit Section	Permit Page	Section Title/Topic	Reason for Proposed Changes/Comments
Attachment E.I.11.a	18		Risk Level 3 dischargers shall collect a sample during any breach, malfunction, leakage, or spill observed during a visual inspection which could result in the discharge of pollutants to surface waters that would not be visually detectable in storm water.
Attachment E.I.11.a	18		Risk Level 3 dischargers shall collect a sample during any breach, malfunction, leakage, or spill observed during a visual inspection which could result in the discharge of pollutants to surface waters that would not be visually detectable in storm water.
Attachment E.I.11.a	18		Risk Level 3 dischargers shall collect a sample during any breach, malfunction, leakage, or spill observed during a visual inspection which could result in the discharge of pollutants to surface waters that would not be visually detectable in storm water.
Attachment E.I.11.b	18		Risk Level 3 dischargers shall ensure that water samples are large enough to characterize the site conditions.
Attachment E.I.17.b.iv	22		Invest \$7500.00 x The number of samples required
Attachment C, D, and E			Table 1 (ALL)
Attachment C, D, and E		Non-Visible Pollutant Monitoring Requirements	Risk Level (ALL) dischargers shall collect a sample during any breach, malfunction, leakage, or spill observed during a visual inspection which could result in the discharge of pollutants to surface waters that would not be visually detectable in storm water.
			Comments/Proposed Changes
			Does the requirement apply to breaches, malfunctions, leakages, or spills outside of scheduled visual inspections?
			Relationship between breach, malfunction, leakage, and spill and actual sampling duties is not clear. Please clarify what sampling actions must be taken to address a spill.
			Based on Attachment E.I.11.c, should be reworded to say shall collect one or more samples.
			Rephrase: Risk Level 3 dischargers shall collect sufficient sample volume so as to ensure that all required analyses can be performed. This amount seems exceptionally high compared to current costs associated with Bioassessment monitoring. What is the basis for such a high cost? Non-Storm Water sample requirements not reflected on this table in any of the Attachments
			It is unclear from the text whether samples are collected if there is no rain event. Please clarify.

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Errata Sheet	1		Correction: If NEL exceeded: pH, turbidity, and SSC	The original Stated wording actually made more sense than this correction. As originally stated it seemed that if the turbidity NEL was exceeded then an SSC would be required. The corrected version shown makes it seem that pH, turbidity and SSC would be collected if there is an NEL exceedance. This raises 2 questions. 1) How do you know if the NEL is exceeded unless you have already collected the samples? 2) Would SSC be required if only pH exceeded? This "correction" has been made on multiple pages in the Errata document.
Multiple Sections		Terminology		More clarification is needed to distinguish between the terms "discharger" and "Legally Responsible Person".