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

DEPARTMENT OF  
PUBLIC WORKS

BUREAU OF SANITATION

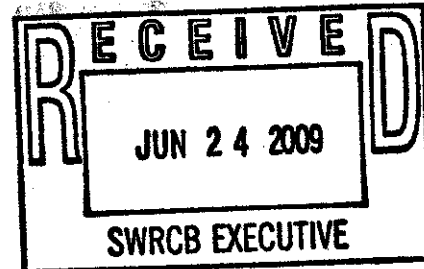
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June 24, 2009



Jeannie Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, California 95814

**COMMENT LETTER – DRAFT CONSTRUCTION GENERAL PERMIT**

Ms. Townsend:

The City of Los Angeles appreciates the opportunity to comment on the Draft Construction Permit. As one of the largest and oldest cities in California, Los Angeles experiences constant development and redevelopment of our city lands. As such, the impact of the requirements of the General Permit for Discharges of Storm Water Associated with Construction Activities has great significance not only to the private developers and contractors doing work in the City but also on all City departments that are involved in constructing City facilities.

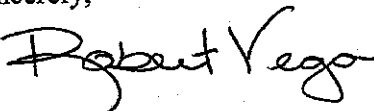
As building construction is more of a practical and less scientific trade by nature, we are concerned with the appropriate application and practicability of the new regulations. The existing General Construction Permit contains prescriptive requirements that can be easily followed and implemented by all construction trades. We feel that the requirements of the existing General Construction Permit are very effective in preventing storm water pollution particularly excessive sediment from leaving the construction sites and flowing into the storm drain system when Best Management Practices are properly implemented. We therefore ask for a careful examination of all changes that would alter the existing requirements. Below is a description of the key issues of concern.

SECTION	COMMENT
<p>Draft General Permit, Pg 6, Section I.E, Item 36</p>	<p>In the new Permit, project (Permit Registration Documents) PRD materials are submitted electronically for approval. In the Permit's fact sheet it states that this requirement is intended to streamline the approval process and allow for materials to be publicly accessible. However, this new Permit does not identify a time frame for review and approval of the PRDs, and omits references to actions resulting from review of public comments, issuance of individual permits, additions to monitoring and reporting programs that were included in the previous draft. Without establishing a time frame for this regulatory review process, construction projects could be subject to schedule delays for an indefinite period of time. This can impact construction projects that have critical deadlines. It is also unclear if these PRDs will still be subject to board actions resulting from public review even after the project has been approved and issued a WDID. We recommend that the Water Board consider providing a time limit, 30 days or less, to when PRDs are open for public review and issued an approval.</p>
<p>Draft General Permit, Pg 6, Section I.E, Item 37</p>	<p>The new General Permit grants an exception from Risk Determination requirements for existing projects under the Permit No. 99-08-DWQ with these projects beyond design phase covered under new permit as Risk Level 1.</p> <p>We appreciate that the Water Board recognizes some of the financial impacts that the additional permit requirements imposes on the permittee. However, we are still unclear about the process to gain new Permit coverage for approved projects under 99-08-DWQ as the Permit does not define or reduce what will need to be provided in the PRDs for this scenario. Implementing new permit requirements will be challenging and costly for future projects, but to also require already approved, ongoing projects to undergo another round of approval processes under the new Permit is an additional administrative and financial burden. This is especially disruptive if the new requirements take effect during an ongoing rain season. Therefore, we request that the State considers a grandfather clause for all projects already covered under 99-08-DWQ to assist the dischargers in the transition to the new Permit, and reducing the PRD requirements for 99-08-DWQ approved projects to submitting the NOI paperwork electronically for documentation.</p>
<p>Draft General Permit, Pg 8, Section I.G, Item 47, and Appendix 3</p>	<p>The draft Permit has multiple timeline requirements for the preparation and implementation of the Rain Event Action Plans. A more clear-cut requirement would be to have it prepared at the onset of construction activities and implemented prior to the anticipated rain event. Also define the anticipated rain event to be when there is at least a 30% chance of rain.</p>
<p>Draft General Permit, Pg 13, Section II.A</p>	<p>Support guidance files, such as the Linear Underground/Overhead project flowchart, were provided as a separate link associated with the new Permit. We recommend that this chart, which provides pertinent information on LUP, also be incorporated in the permit language to help clarify for the reader the type of LUP projects requiring the new Permit coverage.</p>

SECTION	COMMENT
Draft General Permit, Pg 32, Section VII	The requirement of Qualified SWPP Developer (QSD) and Qualified SWPPP Practitioner (QSP), the required training qualifications and certification are excessive. Construction practices will require multiple personnel to be responsible for the preparation and implementation of the SWPPP besides designated QSD and QSP. Input from the construction industry on the content and degree of training required for leading SWPPP development and implementation is encouraged.
Appendix 1 - Risk Determination Worksheet, Receiving Water Risk	The second condition on this spreadsheet, "A.2. Does the disturbed area discharge to a waterbody with designated beneficial uses of SPAWN & COLD & MIGRATORY?" is broad and includes a number of waterbodies that cannot be impacted from sediment releases associated with construction sites. Additionally, it is very difficult to attribute what the impact from a construction discharge will have on a receiving water body when there are multiple discharges into the receiving water body, including natural erosion. The criterion A.1 is adequate and should be the only one used since it covers the waterbodies that are impaired due to sediment.

The Bureau of Sanitation, Watershed Protection Division works closely with all City departments in establishing policies and procedures to ensure compliance with all storm water regulations. In order to keep all City departments informed of new and upcoming regulations and their impacts to City operations, we would greatly appreciate a written response to our comments above.

Sincerely,

*FOR* 

SHAHRAM KHARAGHANI, Ph.D., P.E., BCEE  
Program Manager

SK:RMV:KK  
WPDCR 8631

cc: Enrique C. Zaldivar, Director, Bureau of Sanitation  
Adel H. Hagekhalil, Assistant Director, Bureau of Sanitation