



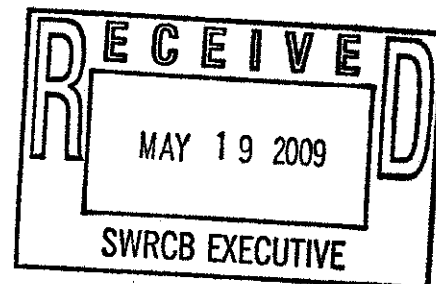
**COUNTY OF LAKE  
PUBLIC WORKS DEPARTMENT**

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**Brent C. Siemer**  
Public Works Director

May 14, 2009

Ms. Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

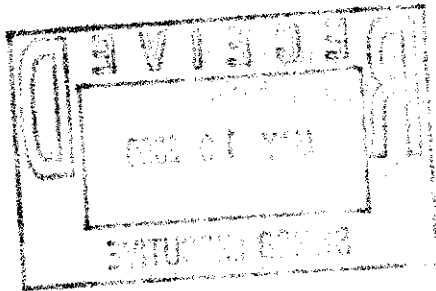


**Subject:** Draft Construction General Permit

Dear Ms. Townsend,

We offer the following comments on the Draft Order for the Construction General Permit as released for public comment on April 23, 2009:

1. The Draft Order makes it clear that preparers of SWPPP's and REAP's must be prepared by a Qualified SWPPP Developer and implemented by a Qualified SWPPP Practitioner. Are the public agency inspectors also required to have similar training?
2. The monitoring requirements are confusing throughout the Fact Sheet and the Draft Order. We offer the following:
  - a. Table 5 indicates samples must be taken in the first hour of any new discharge and at during the first and last hour of each work day. It also specifies a minimum of 3 samples per day. This minimum does not appear to be appropriate. If a new discharge begins during the middle of the work day, a sample would not have been collected at the beginning of the day. If a new discharge continues through subsequent days, samples can be collected during the first and last hour of each work day, but not within the first hour of discharge. Therefore, it appears the minimum number of samples per day should be 2, not 3.
  - b. Is discharge sampling required when a project has been stabilized for the winter and no construction operations are occurring?
  - c. Instead of using the term Suspended Solids Concentration (SSC), the use of standard terminology such as Total Suspended Solids (TSS) would be more appropriate.
  - d. Please verify that sediment-sensitive water bodies are impaired by sediment or have the beneficial uses of COLD, SPAWN *and* MIGRATORY. The key word is *and*, as it has significantly different meaning then the word *or*.
  - e. Please clarify the definition of "whether a project drains to a sediment-sensitive water body." Does this mean drains directly to or is located within the watershed of a sediment-sensitive water body? If this is based on the watershed, is it the watershed of the closed assessed water body? For instance, the Clear Lake



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Ms. Jeanine Townsend, Clerk to the Board, SWRCB  
Draft Construction General Permit  
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watershed is not sediment impaired, nor does it have MIGRATORY as a beneficial use, while it drains to the Sacramento-San Joaquin Delta, which has beneficial uses of COLD, SPAWN and MIGRATORY beneficial uses. Does the Clear Lake watershed "drain to a sediment-sensitive water body"?

3. The Fact Sheet does not require post-construction requirements in areas covered by Standard Urban Stormwater Management Plans (SUSMP's) in Phase I and II MS4 permits. The Draft Order only mentions Phase I and II MS4 permit coverage. As SUSMP's are not required for all Phase II communities, the Fact Sheet and the Draft Order are not consistent. Please clarify.
4. Lake County applied its Stormwater Management Plan under its Phase II MS4 Permit to the entire county, not just the State designated urban boundaries as shown in Figure 3 of the Fact Sheet. Are the post-construction requirements waived for the entire County, or just the designated urban boundaries?

If you have any questions, please call me at (707)263-2341.

Sincerely yours,



Thomas R. Smythe  
Water Resources Engineer

TRS:trs

cc: Richard Coel, Lake Co. CDD