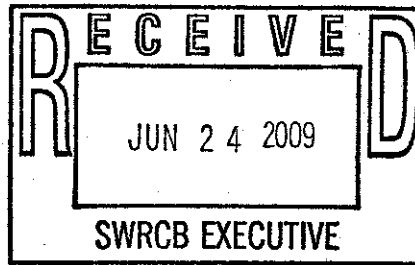


Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



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

RE: Comment Letter – Draft Construction Permit (June 24, 2009)

Members of the Board,

Upon review of the current proposed modifications to the Draft Construction Permit as they relate to the content from the extensive public testimony and public and industry comment presented in 2008 and 2009, it appears that little consideration for substantive changes have resulted as is reflected in the current version of the Draft Permit. The primary purpose and priority goal of the permit should be to develop management and control priorities that serve to protect water quality while balancing the ability to implement the requirements in the field and provide balance between public interest and economic reality. If the outcome of the permitting process is to develop standards and create requirements that are unachievable, infeasible and impractical to implement, the outcome of the process will do little to protect water quality and will be to create an administrative-based program focused on enforcement and financial waste versus improved storm water management performance and protection of water quality.

Once again, Granite Construction Incorporated fully supports the comments, analysis and permit amendment recommendations presented in the Technical Issues Memorandum developed by the California Building Industry Association (May 8, 2007), and we respectfully request additional consideration and objective review of the positions presented to establish a permit that serves to protect water quality through practical storm water management and controls.

The following comments are highlighted as they relate to the proposed terms, conditions and requirements of the 2008 Draft Construction Permit.

Take the Practical Approach

An effective general construction permit should place emphasis on pollution control standards and performance at the job and project level. This will be achieved by enhanced planning, improving standards for SWPPP implementation, site inspection, site maintenance and consistent standards for BMP management for runoff control, erosion control, sediment control and non-storm water management control. Requiring chemical treatment or the only alternative to be limiting project disturbance areas to 5 acres is not reasonable, practicable or rational.

Numeric Effluent Limits and Active Chemical Treatment

Inclusion of Numeric Effluent Limits is not feasible and should be removed from the permit. The utilization of NELs is and will ultimately require chemical treatment of storm water discharge from the majority of construction project sites in the State of California. Implementing treatment systems is simply not possible or warranted on many

projects based on size, location, duration, right-of-way limitations and not accounting for existing water quality of the receiving water. The intent of a storm water permit is to control, manage and minimize impacts from construction site storm water discharges. The intent should not be to clean construction site discharges to levels cleaner than the receiving waters. NELs are also clearly included for use as a penalty and enforcement tool where all other factors of site protection, level of effort, magnitude of rainfall and other considerations that can contribute to a site discharge are discounted or ignored in making a determination of compliance or non-compliance at a project site. Numeric Effluent Limits and the associated chemical treatment requirements are a "one-size fits all" approach and clearly no construction projects are identical and they should clearly not be treated as if they were.

Qualified Personnel (Developers and Practitioners)

Individuals responsible for generating storm water plans and designs should have appropriate training and competence. Individuals responsible for monitoring site conditions also must be qualified to observe, monitor and respond to changing conditions and events that occur on every project site. Appropriate training and qualifications should be standardized and consistent; however, prescribing specific certifications by specific organizations is inequitable for many organizations and individuals that are qualified to perform the work. This message was very clear during all phases of the public comment. Creating a layer of consultants required to build and manage a project is not the solution, as the people that are building and understand the work are far more effective at controlling and protecting their project sites than periodic third-party visitors and observers.

The intention and goal from both the regulatory and the regulated community are to improve performance of managing construction site discharges and to ultimately protect and improve water quality throughout the State of California. More emphasis should be placed on consistent implementation of Best Management Practices, consistent performance and maintenance criteria for BMPs and consistent inspections and corrective action follow through. Creating complexity and adding new layers of requirements will not necessarily lead to better performance when emphasizing the existing fundamentals is the best approach to improving performance across the industry.

Thank you for your consideration of these comments.

Respectfully,

Tom Walbom
Environmental Operations Manager
Granite Construction Incorporated