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To: "commentletters@waterboards.ca.gov" <commentletters@waterboards.ca.gov>
CC: stormwater <stormwater@cardno.com>
Date: Wednesday, May 09, 2012 12:29 PM
Subject: Comment Letter - Construction General Permit NEL Amendment.



Email in brief:

- * Subject: Sampling results submittal schedule
- * Amendments: 2 options to consider
- * Justification: Consequences of no change, option 1, and option 2

To Ms. Townsend:

Please consider the following one of the following amendments for NAL sampling reporting since the changes for NEL sampling affects the reporting applicability. These comments are intended to provide consistency in the Permit. Neither paragraph listed below are addressed in the Notice of proposed changes to the Permit dated March 30, 2012.

Amendment options (strikeouts in red, additions in blue):

1. Page 20 of Attachment E

"Risk Level 3 - NAL Exceedance Report

a. In the event that any effluent sample exceeds an applicable NAL, Risk Level 3 dischargers shall electronically submit all storm event sampling results to the State Water Board no later than ~~10 days~~ **5 days** after the conclusion of the storm event. The Regional Boards have

the authority to require the submittal of an NAL Exceedance

Report."

---OR---

2. Page 27 of the Fact Sheet

"b. NAL Exceedance Report

All Risk Level 3 and LUP Type 3 dischargers must electronically submit all storm event sampling results to the State and Regional Water Boards, via the electronic data system, no later than ~~5 days~~ **10 days** after the conclusion of the storm event. In the event that any effluent sample exceeds an applicable NAL, all Risk Level 2 and LUP Type 2 dischargers must electronically submit all storm event sampling results to the State and Regional Water Boards no later than 10 days after the conclusion of the storm event. The Regional Water Boards have the authority to require the submittal of an NAL Exceedance Report."

No change:

If no change is made beyond the existing proposed changes, the order states all Risk Level 3 sampling results shall be submitted in 5 days and if there is a NAL Exceedance then sampling results shall be submitted in 10 days. There are two concerns with this.

1. 10 day submittal for NAL exceedances is redundant since ALL samples are already required to be submitted within 5 days.

2. NAL exceedances should be reported either before or at the same time that non-significant sampling results are required.

Option 1:

If option 1 is selected, then all Risk Level 3 sampling results, including NAL exceedances, shall be submitted within 5 days.

Option 2:

If option 2 is selected, then all sampling results shall be consistently submitted within 10 days. This includes all sampling results for Risk Level 3 projects and NAL exceedances for both Risk Level 2 and 3 projects.

Thanks for your consideration.

Robert Mijares

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