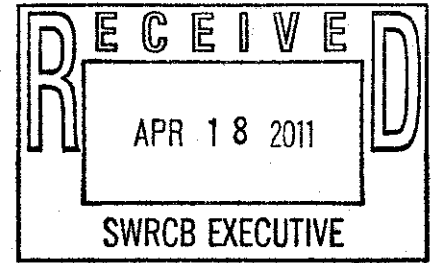




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April 18, 2011

Mr. Charles R. Hoppin, Chair  
State Water Resources Control Board  
1001 "I" Street, 22<sup>nd</sup> Floor  
P.O. Box 100  
Sacramento, CA 95812-0100

**RE: National Pollutant Discharge Elimination System (NPDES) Proposed General Permit for Storm Water Discharges**

Dear Mr. Hoppin:

The Engineering and Utility Contractors Association represents more than 450 Contractor and Industry-Associated firms throughout the Western United States. We support cost-effective water quality policies, and **are writing to urge your support for an industrial general storm water permit without technically and legally flawed numeric limits which protects water quality while minimizing costs to the public agencies and private companies that must comply with it.**

As you know, the State Water Board convened a panel of experts to address questions about imposing "numeric limits" in storm water permits. Calculating appropriate numeric limits requires the agency to analyze the wide variation in storm water flow conditions, and what controls can be achieved by technology at each category of facility. The panel suggested that before even considering the imposition of numeric limits the State Water Board needed to reexamine the existing data sources and collect new data. None of these recommendations for obtaining better data before imposing numeric limits was acted upon by State Water Board staff before proposing this new permit:

In fact, the panel states (on page 16 of its report):

*"Whether the use of Numeric Limits is prudent, practical or necessary to more effectively achieve nonpoint pollution control is a separate question that needs to be answered, but is outside the scope of this Panel."*

This is very concerning to us. State law requires that a number of factors be analyzed before developing such regulations including measuring water quality benefits and calculating the cost of compliance. However, the State Water Board staff appears to have written the rules for the permit before doing the analysis. This is disconcerting because such information should have informed the permit drafting process. Instead, it appears this analysis may simply be used as an attempt to justify decisions that already have been made.

In addition to our concerns with the process so far followed in promulgating this proposed permit, we have four substantive concerns with the proposal itself:

1. Arbitrary Numeric Limits Increase Costs and Uncertainty Without Proven Water Quality Benefit
2. Unsound Regulation Invites Costly Lawsuits
3. Duplicative Regulations Don't Take Into Account Cumulative Impacts
4. Prohibits Cost-Effective Group Compliance

EUCA supports efforts to improve water quality and our members are willing to take reasonable and measured steps toward this end. However, sudden, new, unproven and expensive programs are simply not appropriate at any time, especially during a period of economic recovery and when California's builders are struggling to stay in business. Unfair and unnecessary, costly regulations put our members out of business.

We ask that California make the right choice – to not embark on an experiment that puts businesses at serious risk, and take a more tried and true approach that provides the level of protection recognized as sufficient by USEPA.

Sincerely,

Emily Cohen  
Director of Government Relations  
Engineering and Utility Contractors Association (EUCA)