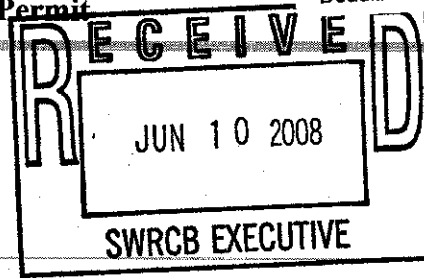


**commentletters - Comment Letter - Draft Construction Permit**



**From:** "Dick Wilson" <DWilson@anaheim.net>  
**To:** <commentletters@waterboards.ca.gov>  
**Date:** Tuesday, June 10, 2008 8:19:53 AM  
**Subject:** Comment Letter - Draft Construction Permit

Thank you for the opportunity to comment on the Draft General NPDES Permit for Construction Activities. The Anaheim Public Utilities Department operates water and electric utilities within the City of Anaheim and occasionally implements construction projects of over an acre. The City is also a co-permittee on Orange County's MS-4 permit and a member of the California Stormwater Quality Association. We understand that CASQA is submitting extensive comments on the Draft General Permit and we fully support their position. In addition, we would like to offer the following comments on the proposal:

1. General comment – Page 3, Finding #11 states that the panel of stormwater experts concluded that numeric effluent limitations (NELs) were feasible for discharges from construction sites that utilize an Active Treatment System (ATS). However, this proposed permit goes far beyond what the panel said was feasible by requiring monitoring, NELs, and numeric action levels (NALs) for all sites. We believe the proposal should follow the suggestions of the expert panel and only apply NELs to high risk sites.
2. General comment - Page 3, Finding #13 states that USEPA authorizes reduced requirements for low risk sites, but that the State Board declines that option because even low risk sites pose some risk to water quality. We believe that BMPs would mitigate virtually all potential risks to water quality at low risk sites and that monitoring provides minimal benefits at very high costs.
3. General comment – Page 4, Finding #20 - REAP. It appears that the Rain Event Action Plan (REAP) repeats what is already required in the Stormwater Pollution Prevention Plan (SWPPP). The SWPPP is designed to prevent contamination of stormwater and it appears unnecessary to repeat that same information before every predicted rain event. The REAP appears to provide minimal added benefit, yet will result in significantly higher costs.
4. Page 6, Finding 32 – Exclusions. The Preliminary Draft issued last year had specifically excluded Linear Utility Projects (LUPs) from this permit, but this version of the permit does not. We believe that LUPS should be specifically excluded because in urban areas these projects disturb a very limited area at any given time, are generally cleaned up on a daily basis, and are normally not conducted during rainy weather. For practical purposes, at the end of a given day after the utility trench has been refilled, there is no longer a 'site' as used in the traditional sense.
5. Page 14, VII.A and Attachment A. - Risk Level. The demarcation points between risk levels appear arbitrary and in our opinion will result in far too many sites exceeding the low risk classification level. Since many of the parameters used in the methodology are based on lookup tables, it's likely that in many cases those values will be conservative and result in higher risk than would actually be present. It is our recommendation that a demarcation point of 5 tons per acre would be more reasonable for keeping the higher risk designations applicable to those sites that actually pose significant risks.
6. Attachment B. - Monitoring Program. Monitoring should not be required for Risk Level I. These sites are likely to be flat and BMPs should be sufficient to ensure that stormwater is not contaminated.
7. Attachment B. Receiving Water Monitoring. The regulation is not particularly clear regarding receiving water monitoring – where do you take samples?, is it the first drainage channel?, the first river or stream? Receiving water monitoring should be restricted to only those cases where the site discharge is likely to cause an impact to the receiving water. Perhaps monitoring of

receiving water could be limited to cases where the volume of flow from the site will account for a significant portion of the receiving water's total volume, such as 5% or greater.

Since this proposed permit is such a large departure from previous requirements for stormwater regulations, we request that the State Board issue another draft for public review and comment prior to submitting it to the Board for approval. While we can appreciate the efforts to improve stormwater management in the State, we believe that additional consensus building is in order prior to promulgating a new regulation.

**Dick Wilson**  
Environmental Services Manager  
Anaheim Public Utilities Department  
714-765-4277  
[dwilson@anaheim.net](mailto:dwilson@anaheim.net)

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAWS. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, forwarding, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by e-mail or telephone, and delete the original message immediately. Thank you.