Public Comment
Draft Construction Permit
Deadline: 6/11/08 by 12 p.m.

EASTERN MUNICIPAL WATER DISTRICT
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Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Subject: Comments on the Proposed NPDES General Permit for Discharges of Storm Water Associated with Construction Activities.

Dear Townsend:

On behalf of Eastern Municipal Water District (EMWD), I would like to thank you for the opportunity to submit comments on the Proposed NPDES General Permit for Discharges of Storm Water Associated with Construction Activities. EMWD operates and maintains potable, wastewater and recycle water systems within a 555 square-mile area in Riverside County and serves a customer population of over 660,000. The purpose of this letter is to express the District's concern regarding the impact of the proposed General Permit for Storm Water on Construction Activities. The District most significant concerns are with the following:

- Risk Assessment Category
- Numeric Effluent Limits
- Numeric Action Levels
- Monitoring Requirements
- Rain Event Action Plan

Risk Category Classification

Attachment A - Receiving Water Risk Factor Worksheet

The ability to classify a project appears to be complicated with the use of several Excel spreadsheets and should be simplified. The classification doesn't consider a project's duration. In particular, a short time frame project should be considered a factor as well as the season when a project occurs. There is an established wet-season that would have a higher chance of rainfall and associated channel flow compared to the dry months.

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Numeric Effluent Limit
The District disagrees with the implementation of the numeric effluent limit for pH and turbidity. The District agrees with the State Water Board on a general pollutant control standards; however, gathering sound scientific data to establish a standard is needed. The numeric effluent limitation for pH and turbidity were based upon best professional judgment with limited data. For Turbidity (numeric effluent limit), an assumption for the relationship of turbidity and suspended sediment was made and developed but not verified. The assumption used several USGS gauging station with the one located at Santa Ana River Prado Dam representing Southern California. The Santa Ana River is an effluent dominated stream that flows throughout the year; however, many Southern California streams are predominantly dry. The analysis needs to be expanded to include the evaluation of ephemeral streams or creeks.

Numeric Action Level
Attachment C - Turbidity Numeric Action Level
The Numeric Action Level for turbidity is complicated with the use of several Excel spreadsheets and should be simplified. The District considers that a percent (%) reduction requirement rather than a numeric action level would be beneficial and should be investigated. That is, having data to show that best management practices for storm water projects are removing sediments from storm water discharges. Not all projects, soil conditions or storm events are the same, and therefore, turbidity conditions will be influenced by these variations.

Monitoring Requirements
Visual Monitoring/Inspection Requirements for Non-storm Water Discharge
Visual monitoring for pre-rain events "one inspection within 48 hours of a qualifying rain event", is a burdensome requirement and is already required on a quarterly basis. The District suggests that a routine wet-season visual monitoring be required rather than a pre-rain event monitoring. Forecasted rain events have a percentage of unreliability and would cause unnecessary site inspections. Better results could be achieved by allocating limited resources to routine monitoring and/or actual rain events.

In addition, the pre- and post-rain qualifying rain event photographs required for Risk Level 3 should only be a recommendation and not a requirement. The additional handling of electronic documentation is burdensome for permittees with limited resource. Storm water visual monitoring and sampling are already required, and the data should reflect compliance with the requirements.

Receiving Water Monitoring Requirements
The District considers the requirement to monitor the receiving water both upstream and downstream of a discharge to be excessive and redundant. This receiving water monitoring is already performed by either a watershed TMDLs and/or County Storm Water (MS4) programs.

The District does not agree with the requirement for Risk Level 3 dischargers to conduct or participate in benthic macroinvertebrate bioassessment of receiving waters prior to

commencement of construction activity. Especially in Southern California where the majority of receiving waters (streams) are dry, the ability to conduct benthic macroinvertebrate bioassessment will not be possible in many situations.

Rain Event Action Plan
The District recommends that the requirement for the Rain Event Action Plan should be incorporated within the Storm Water Pollution Prevention Plan (SWPPP). It seems redundant to require another separate document that already addresses a required action plan that could be incorporated into the SWPPP document.

Again, EMWD would like to thank you for the opportunity to comment on the proposed General Permit for Storm Water on Construction Activities. If you should have any questions, please feel free to contact Al Javier at (951) 928-3777 extension 6327.

Sincerely,

Jayne Joy, P.E.
Director of Environmental and Regulatory Compliance

JJ:tam