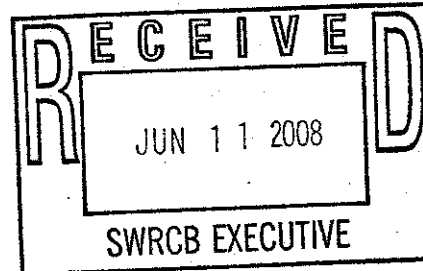


# county of ventura

PUBLIC WORKS AGENCY

June 11, 2008

Ms. Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814



Transportation Department  
Wm. Butch Britt, Director  
Central Services Department  
Janice E. Turner, Director  
Water & Sanitation Department  
R. Reddy Pakala, Director  
Watershed Protection District  
Jeff Pratt, Director  
Engineering Services Department  
Alec T. Pringle, Director

Subject: **COMMENT LETTER – DRAFT GENERAL CONSTRUCTION PERMIT  
DATED MARCH 18, 2008 (ORDER NO. 2008-XX-DWQ)**

Dear Ms. Townsend:

On behalf of the Ventura County Public Works Agency, we thank you for the opportunity to comment on the 2<sup>nd</sup> draft National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit dated March 18, 2008.

We have reviewed the draft document, and our concerns are conveyed in the following pages with the hope of working together toward the common goal of creating a final draft that promotes a balanced framework between storm water regulations and attainable field measures. We are substantially in agreement with the June 10, 2008 comments submitted by the California Association of Stormwater Quality Agencies (CASQA). We have the following comments:

#### Maintenance Definition

The description of maintenance activity in the Fact Sheet raises several questions. USEPA and the State Water Board previously issued guidance in the form of Fact Sheets and Frequently Asked Questions on this issue. These documents should be referred to rather than attempt to revise the definition in the permit's Fact Sheet.

Additionally, the definition appears to apply several limitations on the application of the exemption:

- *Routine maintenance only applies* to road-shoulder work, dirt or gravel road re-grading, or ditch clean-outs; however, many routine maintenance activities occur in other road locations such as landscape maintenance and parking lot maintenance. These maintenance projects should not be precluded from the exemption.
- *For municipal operators, repaving of asphalt roads is routine maintenance*; however, there are numerous other organizations and private entities that maintain roads as described. These entities and organizations should not be precluded from the exemption.



### **Capital Improvement Plans**

Included in the discussion of the routine maintenance exemption is a reference to Capital Improvement Project Plans that are very unclear and seems out of place in the context of routine maintenance. The reference should be deleted or clarified. The language appears to suggest that projects of any size that are part of a Capital Improvement Project Plan are subject to the permit requirements. Capital Improvement Plans and other planning documents such as master plans or redevelopment plans identify projects that may or may not be funded in the future, and therefore, may never be constructed.

Absent clear regulatory or statutory language on common plans of development, especially for public sector projects (which may include municipal, state, federal, or institution projects), most dischargers have created interpretations that look to the environmental review documentation, contractual documentation, funding sources to define projects, and common plans of development. Should it be necessary to further define common plans of development, we agree with CASQA's suggested language:

#### Common Plan of Development:

In this General Permit, a Common Plan of Development is generally a contiguous area where multiple, distinct construction activities may be taking place at different times under one plan. A plan is generally defined as any piece of documentation or physical demarcation that indicates construction activities may occur on a common plot. Such documentation could consist of a tract map, parcel map, demolition plans, grading plans, or contract documents. Any of these documents could delineate the boundaries of a common plan area. However, broad-planning documents, such as land-use master plans, conceptual master plans, or broad-based CEQA/NEPA documents that identify potential projects for an agency or facility are not considered common plans of development.

### **Receiving Water Monitoring**

Direct as well as indirect dischargers to 303(d) listed water bodies are automatically categorized as high receiving water risk. It appears no consideration is made for the distance or type of conveyance system. Also, the type of stream that qualifies as receiving water is not defined. This draft permit requires some Risk 2 and all Risk 3 sites to monitor receiving water for pH and turbidity. It is unclear what useful information would be generated when the conveyance systems are naturally overloaded with sediment and other pollutants during rain events. We suggest you consider the possibility of retaining receiving water sampling (upstream and downstream) as an option to demonstrate that an exceedance did not negatively impact receiving water.

### **Numeric Action Levels (NALs) and Numeric Effluent Limits (NELs)**

We suggest instead of requiring effluent limitations, the State utilize existing 303(d) and related TMDL programs to identify discharge pollutants that are impacting receiving waters and only consider additional criteria limitations for pollutants not already regulated by these programs. Action Levels (ALs) could be used as stated in the 1st draft Permit.

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#### **Advanced Treatment System (ATS)**

The Permit requires an ATS (in some instances) to reduce *unacceptable* downstream impacts of fine particles released to the water body. However, the acute and chronic toxicity impacts created by chemical additions of coagulants/flocculants, may be far more detrimental to the environment. Furthermore, the introduction of chemicals requires toxicity testing to determine the impact. We recommend that further testing be performed and data reviewed prior to requiring these treatment systems.

#### **Bioassessment or Bioassay**

The Fact Sheet (page 37) and Table 4 (Attachment B) of the Permit specify bioassessment for risk level 3 receiving water monitoring. However, footnotes in the Permit specify acute and chronic toxicity testing and are indicative of bioassay. The two procedures are very different and have different associated costs.

#### **Permit Coverage**

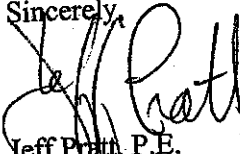
The Permit requires new dischargers electronically file their Permit Registration Documents (PRDs) and mail the applicable fee to the SWRCB. Permit coverage will not commence until the fee is received. As a suggestion, we recommend you develop an on-line payment system to prevent any delays.

#### **Effluent Monitoring**

The narrative (page 35) does not match Table 3 requirements (page 36).

Thank you for the opportunity to comment on the preliminary draft General Construction Permit, and as always we are interested in working with State Board staff to ensure that the Ventura County continues to effectively control construction related discharges in a fair and efficient manner. Our ultimate goal is to have the best storm water quality program possible, and this valuable comment process should help direct us to that final goal. We look forward to your response to all of our comments. If you have any questions, please contact me at (805) 654-2040 or Gerhard Hubner at (805) 654-5051 or [gerhardt.hubner@ventura.org](mailto:gerhardt.hubner@ventura.org).

Sincerely,



Jeff Pratt, P.E.  
Acting Director