



Municipal Services Agency

Terry Schutten, County Executive

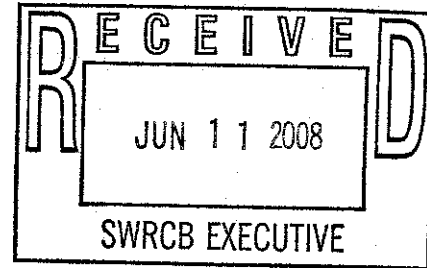
Department of Water Resources
Keith DeVore, Director

Robert F. Shanks
Interim Agency Administrator

County of Sacramento

June 11, 2008

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



Submitted via email commentletters@waterboards.ca.gov

Subject: Comments on the March 18, 2008 Draft *NPDES Stormwater General Permit for Discharges of Storm Water Associated with Construction Activities* (Construction General Permit)

Thank you for the opportunity to provide comments on the March 2008 Draft Construction General Permit (Permit). I am submitting these comments on behalf of the Sacramento Stormwater Quality Partnership, which includes the seven agencies covered by the Sacramento Areawide NPDES Municipal Separate Storm Sewer System (MS4) Permit: Sacramento County and the cities of Sacramento, Citrus Heights, Elk Grove, Folsom, Galt and Rancho Cordova. If adopted as proposed, the Permit will have a significant economic impact on the private development sector; regional authorities and special districts such as schools, parks, fire, sewerage and water; as well as our own county and city construction projects.

In general, we concur with and support the comments submitted to you by the California Stormwater Quality Association (CASQA), of which we are members. The purpose of this letter is to provide additional comments related more particularly to impacts to public agency construction projects.

Monitoring, Action Levels and Numeric Effluent Limits

We support the use of appropriately-established numeric action levels (whereby runoff is sampled with field meters) to identify problems on-site and identify when BMPs may not be working effectively to control sources of sediment and high pH in runoff. Action levels appear to be a reasonable step forward in assessing effectiveness of the iterative BMP approach, and may result in improved compliance. However, we concur with CASQA that the NALs must be appropriate and scientifically based. The work to sample and report related to compliance with Action Levels represents a significant additional expenditure for the local agencies and other construction site operators.

"Managing Tomorrow's Water Today"

We do not support the use of numeric effluent limits for assessing compliance for individual construction sites. We believe there is insufficient data (both receiving water and construction site discharges) to establish state-wide NELs for turbidity, suspended solids or pH. Many other commenters, including Mr. Eric Strecker who provided testimony at the June 4 hearing, speak to this aspect.

We do not agree with including requirements for receiving water or bioassessment monitoring in this permit, particularly in cases where the site discharges to the MS4. We see the value in sampling at the boundary of a construction site to verify BMPs are working effectively, but question the value and relevance of data collected downstream of the site. There are numerous reasons for this, including the mixing of runoff from myriad other sources in the watershed that would affect the data. In the case of public construction projects, we believe strongly that such monitoring on an individual site basis will not result in improved site compliance and is not a prudent use of public funds.

Post-Construction Requirements

Although the hydromodification requirements of the Permit are not anticipated to apply to Sacramento County due to the existing MS4 permit program in place, we do not agree with including post-construction requirements in a construction permit. It is the wrong vehicle. We question what will happen when the a developer in a non-MS4 permit area finds out at the start of construction that their project – already permitted and approved by the local permitting agency – is not acceptable to the Water Board and will require some redesign. This will require resubmittal of the project for consideration and approval of modified features, resulting in delays and extra costs. Further, we believe that post-construction criteria are more appropriate when developed at the local level and incorporated during the permitting agency's planning and permitting process.

Annual Reporting Deadline

We recommend moving the February annual report deadline to the dry season, since it will be difficult for agencies to meet the deadline during the middle of the wet season.

Availability and Adequate Time for Training

Sufficient time must be allowed after the effective date of the Permit for public agencies and others to arrange for training for staff. We suggest one year. We also question whether there will be enough training and workshops to meet the demand required by the Permit. We recall that local consultants and contractors struggled to meet the Caltrans training requirement when it first went into effect because there weren't enough training opportunities available.

Significant Economic Impact on Local Agencies

The proposed permit represents a significant departure from the previous permit and will create the need for additional funding beyond the simple purchase of equipment, as mentioned by State Water Board staff. Additional resources will be needed to ensure that the agencies have sufficient numbers of staff and/or consultants with requisite certifications and/or training to develop and implement more complex risk-based SWPPP programs and collect/analyze/report monitoring data. We also anticipate an increased need for costly active treatment systems (ATS) to meet the turbidity requirements. We believe the State Water Board should prepare an

economic analysis of these impacts, including – as one commenter put it – an analysis of the added cost to the local Regional Water Boards to enforce the Permit.

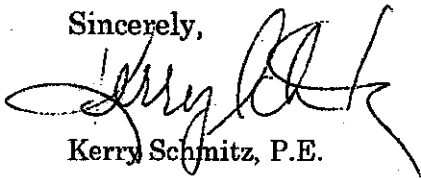
Timing and Application of this Permit

We are concerned about the uncertainty surrounding the implementation schedule for the new requirements and whether or not the Permit would be effective during the 2008-09 wet season. As of the end of this month (June 30), the local governmental agency budgets will be finalized for the 2008-09 fiscal year, including funds designated for public construction projects that would be subject to this permit. Indeed, the detailed budget planning was completed months ago. Given that, there are no funds in the 2008-09 budgets to cover the significant additional requirements of this draft permit.

We recommend that the implementation date for the permit be extended for a minimum of six months after the adoption of the permit. This will allow time to conduct training, redesign SWPPPs, develop monitoring programs, obtain qualified personnel to design and implement SWPPPs and procure additional funds needed for compliance. At a minimum, an extended implementation period should be provided for those projects already under construction or out for bid or have coverage under the current permit (Order No. 99-08-DWQ).

Again, thank you for the opportunity to comment on the Draft Construction General Permit. We look forward to working with the State Water Resources Control Board to improve the regulations as they move forward in the approval process.

Sincerely,



Kerry Schmitz, P.E.

Senior Civil Engineer