CITY OF
CHULA VISTA

DEPARTMENT OF PUBLIC WORKS OPERATIONS

June 10, 2008
File # 0780-85-KY181

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

SUBJECT: COMMENTS ON THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PROPOSED DRAFT GENERAL PERMIT FOR DISCHARGES OF STORM WATER ASSOCIATED WITH CONSTRUCTION ACTIVITIES (DRAFT DATED MARCH 18, 2008)

The City of Chula Vista appreciates this opportunity to provide comments on the Draft Tentative Order No. 2008-XX-DWQ. City staff has carefully reviewed the Draft Tentative Order, and has specific comments that are presented in Attachment A to this letter.

We trust that the State Board will give full consideration to the comments and recommendations in order to facilitate continued compliance, and to improve the effectiveness of the Construction Permit Program.

Should you have any questions or if you need further information, please call me at (619) 397-6111. Thank you.

KHOSRO AMINPOUR
SENIOR CIVIL ENGINEER

Attachment

Cc: Jack Griffin, Director of Public Works
Matt Little, Assistant Director of Public Works
Kirk Ammerman, Principal Civil Engineer
Silvester Evetovich, Principal Civil Engineer

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Chula Vista, CA 91911
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ATTACHMENT A

City of Chula Vista's comments on the National Pollutant Discharge Elimination System (NPDES) Proposed Draft Construction Permit dated March 18, 2008

Note: Texts in *italic* are quotes from the Draft Construction Permit followed by City of Chula Vista's comments.

Page 11 of 27, Section V.4

> *"Storm water discharges and authorized non-storm water discharges shall not disrupt the pre-project equilibrium flow and sediment supply regime. In cases where the pre-project flow and sediment supply regime is not in equilibrium, project related activities shall not impede the natural channel evolution process."*

Comments:

1. The methodology for determining compliance with this permit requirement has not been explained. In view of the changing conditions on most construction sites, it is not clear if the permit requires pre-construction hydrology and sediment transport studies as well as continuous monitoring during construction activities. If that is the case, to what extent downstream such studies shall be conducted? Clarification is needed.
2. Limitations imposed on discharge turbidity levels will most likely result in the discharge of "hungry water" from the site, which may disrupt sediment balance in downstream receiving waters. These two requirements appear to be contradictory. Please revise this requirement or provide further clarification.

Page 16 of 27, Section VIII.D.3

> *"For Risk Levels 2 and 3, the discharger shall implement appropriate erosion control BMPs (runoff control and soil stabilization) in conjunction with sediment control BMPs for areas under active construction"*

Comment:

Delete erosion control BMPs from this section since erosion control BMPs are discussed in Section VIII.B. Section VIII.D is dedicated to sediment control practices only. Also, implementation of erosion control BMPs on active areas is not feasible.

Page 20 of 27, Section VII.F.6

"The discharger shall implement appropriate controls throughout all stages of construction to address air deposition issues."

Comment:

Some general air deposition issues are beyond the control of developers and contractors, such as brake dust pollution, etc. It is recommended to use more specific language to indicate that the discharger is responsible to minimize air deposition problems from his/her construction activities.

Page 24 of 27, Section X

Comment:

It is recommended to add Paragraph 7 to this Section as follows:

7. Development and implementation of a REAP shall not relieve the discharger from other BMP requirements of this permit, or local storm water regulations, including but not limited to the implementation of BMPs all year round.

Page 4 of 17, Table 3

"Risk Level 3 – One sample beginning the first hour of any new discharge and one sample during the first and last hour of every day of normal operations for the duration of the discharge event OR continuous at any discharge point where sampling results exceed the turbidity NEL"

Comment:

Continuous sampling would require the pre-installation of continuous sampling equipment. During a storm event and upon detecting a turbidity exceedance, generally there will not be enough time to set up continuous sampling equipment. It is recommended to remove the continuous sampling requirement from Risk Level 3.

Page 8 of 17, Section F.6 and F.7

"Upstream/up-gradient RW samples: the discharger shall obtain any required upstream/up-gradient receiving water samples from a representative location as close as possible and upstream from the effluent discharge point."

And;

"Downstream/down-gradient RW samples: the discharger shall obtain any required downstream/down-gradient receiving water samples from a representative location as close as possible and downstream from the effluent discharge point."

Comment:

"Receiving Water" needs to be defined in the Permit. It is not clear if gutters, concrete ditches, swales, or underground drainage systems are considered as receiving waters. Please include a definition for "Receiving Water".

Page 3 of 7, Attachment L

Comment:

Remove "Hydromodification" from the Glossary since this term is not used in the permit.