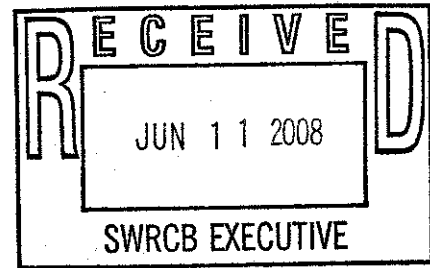




## Construction Employers' Association



June 11, 2008.

Sent Via Fax and E-Mail

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(3 pages)

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Dear Ms. Townsend:

On behalf of the Construction Employers' Association (CEA), we appreciate the opportunity to comment on the proposed Draft General Permit for Discharges of Storm Water Associated with Construction Activities.

CEA, which is comprised of approximately 100 large commercial and industrial contractors performing in excess of \$10 billion in public and private construction annually in California, supports standards aimed at improving water quality and storm water runoff. CEA urges the Board to consider the comments submitted by the California Building Industry Association and Californians for Improved Water Quality, of which CEA is a member.

In addition, CEA has attached some additional comments that we would like the Board to consider. CEA is concerned that the Permit will significantly increase costs and that will have a direct impact on commercial and industrial projects without resulting in equivalent water quality improvements.

CEA looks forward to working with the Board on improving the state's water quality in a way that makes sense and maximizes already precious financial resources for public and private construction projects.

Once again, on behalf of CEA, we appreciate the opportunity to provide input on the Draft General Permit for Discharges of Storm Water Associated with Construction Activities. Please feel free to contact me at (925) 930-8184.

Sincerely,

Michael Walton,  
Secretary

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**S T O R M W A T E R**  
**COMPLIANCE SPECIALISTS**

June 11, 2008

Members of the State Water Resources Control Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814

Attn: Ms. Jeanine Townsend  
Clerk to the Board

Re: Comments on the Preliminary Draft General Permit for Discharges of Storm  
Water Associated With Construction Activities

Dear Board Members:

Thank you for the opportunity to review the draft General NPDES Construction Permit. We believe the recent changes will help to minimize pollutants discharged from construction projects and positively affect the waters of the State. In addition, we believe that the new permit could benefit with some specific clarifications and additional changes that will simplify the order and facilitate compliance.

After review and consideration, Stormwater Compliance Specialists, Inc. supports the comments made by the California Storm Water Quality Association (CASQA) and the California Building Industry Association (CBIA.) In addition, we offer the following specific suggestions for changes in the draft NPDES Permit.

**Numeric Effluent Limitations (NEL) and Numeric Action Levels (NALs)**

The proposed NEF limitations are unscientific and inconsistent with the Federal EPA protocol for establishing standards based on feasibility and effectiveness. These limitations as described appear to be arbitrary and are not designed to address variances associated with specific storm events, i.e., 1/4" rainfall intensity, one in ten year storm events, etc.) thus potentially reducing efficacy and compliance. As a consequence, the proposed effluent limits will potentially subject developers to unnecessary lawsuits by third parties. Finally, the NEL did not include many of the Blue Ribbon Panel recommendations.

Same comments apply to NAL.

**Recommendations:**

This section should be deleted as written or limits should be amended to include the following components:

1. Applicable to larger sites such as 10 acres or more
2. Based on design storm events and include daily average of three sample locations.
3. Include an instantaneous maximum number like municipal wastewater effluent limits.

#### **Certification Requirement for SWPPP**

It is reasonable and appropriate to include certification requirements, however, we believe that given existing levels of expertise currently in the field, an alternate qualification should be included in addition to the requirements selected for qualified SWPP developer (QSD) and Qualified SWPP Practitioner (QSP)

#### **Recommendation:**

Include as alternate qualifications: individual with Bachelor of Science degree in engineering, environmental science or associated fields, 5 + years of experience and training in preparing SWPPP.

#### **Active Treatment System**

This requirement appears to be appropriate only for high-risk projects that are within proximity of 303 d list or sensitive body of water.

#### **Recommendation:**

Clarify that mandatory ATS use is limited to:

1. High-risk project located adjacent and or within ¼ mil of sensitive water bodies
2. Project where size exceeds 10 acres.

Finally, in my professional experience, training has been essential for successful compliance with regulations. As the former construction program supervisor for Water Quality Control Board, Region 2 (San Francisco Bay Region) we found that compliancy rose significantly after our first year of comprehensive training for municipalities, regulatory agencies, developers and consultants. This training program – supported by the Executive Officer and developed by staff – essentially allowed those who knew the regulations best to provide effective, consistent education and training for those to whom the regulations applied. To increase capacity and overall compliance, the state should develop a training/education program for the construction industry, consultants and regulatory agencies to ensure that all constituents receive accurate, comprehensive information and guidance regarding the new regulations.

Please free to contact me at 858-337-3354 if you have any questions regarding these comments.

Sincerely,

Hossain Kazemi  
President