



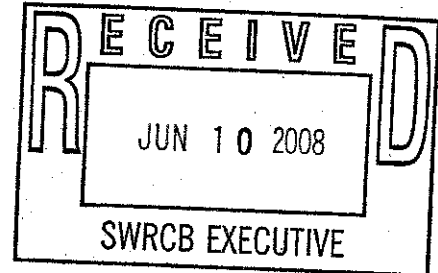
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Birgitta Corsello, Director
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June 10, 2008

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



Re: Tentative Order for the State Water Resources Control Board Construction Permit

Dear Ms. Townsend:

I have reviewed the Tentative Order for the Construction Permit on behalf of Solano County and have two primary concerns: the testing parameter and not allowing existing projects to be grandfathered in.

The testing parameter limits contractors to 1000 ntu regardless of existing conditions or large storm events. Even if a 100 year storm event condition is inserted into the permit, storms of a lesser frequency can still cause considerably higher turbidity in natural conditions. Reasonable standards must be established to prevent unnecessary work and resources being spent to improve conditions beyond preconstruction levels. One test above 1000 ntu designates a contractor as a violator and additional resources are required by the permit to lower the ntu levels along with further testing. In a period of two days, three to four tests can be taken depending on the storm event and a contractor is liable for damages if the tests continue to exceed the 1000 ntu turbidity levels. In my estimation this is not demonstrate that the contractor is an egregious offender. While I do not object to the requirement for continued testing throughout the storm, I don't feel that the contractor should be open to liability until this occurs during three different storm events.

If the clause that does not permit existing projects to be grandfathered in remains in the permit, many projects will encounter serious problems. Because the Tentative Order is so dramatically different from the current version of the permit, it's likely that many projects won't be in compliance. In the most extreme cases, projects would have to be redesigned, regraded and

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reconstructed. In the worst case projects would be shut down for lack of funds to produce the additional resources needed to comply with the new permit conditions.

I feel the existing tentative agreement needs considerable work in these two areas.

Thank you for the opportunity to comment on the process. If you have any questions or need additional information, please contact me at (707) 784-3155, or email me at nsburton@solanocounty.com.

Sincerely,

Nick Burton
Civil Engineer (Entry)

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