

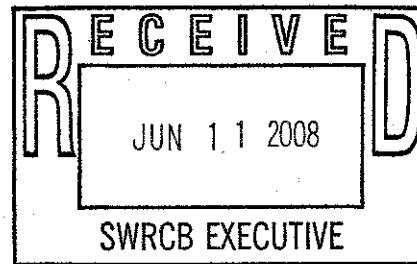


Public Works
Engineering
311 Vernon Street
Roseville, California 95678-2649

Public Comment
Draft Construction Permit
Deadline: 6/11/08 by 12 p.m.

June 11, 2008

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



Electronically Submitted, commentletters@waterboards.ca.gov

Subject: Tentative Draft Construction General Permit
Permit for Stormwater Discharges Associated with Construction and
Land Disturbance Activity – City of Roseville Comments

Dear Jeanine Townsend:

Thank you for the opportunity to provide comment in response to the above subject document (Permit). The City of Roseville has multiple concerns with the tentative Permit requirements and the anticipated impact on Capital Improvement Project programs, economic impact associated with present and future projects, and in general, Permit enforcement concerns. City Stormwater Staff have worked closely with sub-committees to develop comments below to be submitted by the California Stormwater Quality Association (CASQA). The City of Roseville endorses the comments submitted by CASQA in the following areas:

- Numeric Effluent Limits
- Numeric Action Levels
- Qualified SWPPP Developers and Qualified SWPPP Practitioners
- Implementation of New Requirements
- Capital Improvement Plans

In addition to the comments submitted by CASQA, the City of Roseville would add additional comments from a municipal perspective. The City's intent is to bring attention to specific areas of concern. The City of Roseville would appreciate the Board's consideration in addressing these issues prior to formally adopting the tentative Permit.

Background

The City of Roseville's MS4 Stormwater Permit has been in affect for five years and is a fully functional and effective program. Stormwater runoff from construction sites within City limits has been minimized during daily construction operations and severe storm events, due to a combination of active and diligent Stormwater inspection action from City resources, tailgate education and training, consistent enforcement, and support from our district regional water board staff. Our municipal position and past experience with the current GCP as written and adopted, is effective, functional, and performing well.

The tentative Permit, direct and indirect benefits do not appear to outweigh the implementation consideration and complexity associated with adoption. Moreover, the new tentative Permit released for comment outlines a complicated approach to achieve similar goals to the current permit process, by establishing a quasi scientific basis for procedure and methodology without an economical analysis. Additional considerations prior to approval of the Permit need to include processes for practical application and implementation criteria. To summarize, the tentative draft requires refinement prior to adoption by the Board. The City of Roseville has commented on a few specific areas of concern which encompass some of the most significant areas requiring revision.

Performance Based Management

We understand and appreciate the Board's interest in shifting the State's Stormwater program towards performance-based management. The Permit adds new elements such as source control, good housekeeping, and E-business. However, there are elements such as sole enforcement mechanisms for noncompliant sites and mandatory minimum penalties which require reconfiguration to meet the intent of the Board, yet be practicable for the end user. We understand the Board's intent to require developers to compile data by conducting testing, analysis, and reporting. We also understand the Board's desire to enhance the knowledge and accountability of field personnel required to implement and maintain permit compliance through specific certifications. And finally, we understand the Board's position to impose permit requirements aimed at discouraging wet season construction.

With this in mind, the new testing and analysis requirements may be feasible for a minority of projects, but will however result in poor and inaccurate data that may be underutilized, and escalate operational costs without substantial benefit. It may be unrealistic to expect LRP's to certify the subject data prepared by their sub-consultants, and/or to record daily accountability issues of sporadic testing and sampling data. Proposed requirements such as these without effective and persistent accountability of the electronic data by the State may contribute indirectly to illicit discharge and noncompliant construction sites. Furthermore, municipality involvement hasn't been addressed as well which would affect enforcement resources and costs.

The alternative which was not chosen and stated in the forth paragraph, (Page 10, Fact Sheet), the State Board convene a team to conduct monitoring seems realistic and manageable. According to the Board, the "main pro is the quality of data would be relatively high allowing for maximum use in program analysis, compliance evaluation etc." The main con is that this team could not be present at all sites at all times to administer sampling and testing. Permit compliance within municipalities has been primarily achieved through local agency enforcement, as opposed to State enforcement. This financial commitment on behalf of municipalities to achieve compliance through the development community places considerable responsibility, authority, financial burden on MS4's, in general. We support consideration be given to municipality economic impacts.

Lastly, under the existing Permit, developers are achieving performance and reducing pollutants in Stormwater runoff with local jurisdiction enforcement. Roseville is averaging approximately seventy-five (75) active projects requiring coverage per year. This encompasses 3200 to 3400 inspections per year, of which, all costs are absorbed by the City. Weekly Stormwater inspections and City enforcement tools produce desired results

effectively, (yet at a cost). The adopted Permit is effective and manageable. We question the proposed change to the Permit as described herein.

Practitioners

Certifications are common place in many professional fields including Stormwater management and having qualified personnel for Stormwater compliance has a direct benefit to Stormwater quality. These provisions as proposed come with a direct cost in regards to the "Qualified SWPPP Practitioner". For example, the estimated cost of having just one employee certified as a CISEC is estimated at \$1,100.00 per employee as drafted in the tentative Permit, without considering annual recertification costs. The City is opposed to any and all preferential, pre-selected and/or private certification programs without State regulation and course requirements. Also, as proposed, within a two year period of permit adoption, is a State sponsored course to be funded by the annual Stormwater permit fees, of which the City is in support of. Additionally, the determination as to whether a qualified individual given authority to conduct practitioner tasks under the direction of a "Certified Practitioner" hasn't been addressed in the Permit and requires confirmation. The City supports this concept.

Construction Season

Our Capital Improvement and private development project experience indicates contractors are knowledgeable, sensitive, and mindful to construction site runoff year round, and adhere to the requirements of the existing permit during winter months. Encouraging, limiting, and restricting construction to the dry-season is not feasible. The Governor of California along with unanimous statewide supporters would not support a seasonal economic shut down of the development industry to help reduce construction site runoff. Properly maintained BMP's and management, as currently performed are effective. We recommend this concept be completely eliminated.

Grandfather Clause for Current Projects

The City supports the requirement for current permitted dischargers under Order 99-08-DWQ need not re-apply 100 days or thereafter following adoption of the tentative Permit, and should be permitted to complete their respective project under the previous terms and conditions of their Stormwater permit. By not considering this provision, little or no benefit would be gained in terms of improvement to water quality subsequent to the tentative Permit. Moreover, potential claims could arise from the public review period, scrutiny of risk factor determination and revision, and cost overruns could delay a project or perhaps even halt construction schedules as a result of not grandfathering in current projects. The following proposed conditions may be considered as guidelines for exemption:

- 1) The subject project has a current WDID, as of the Permit adoption date.
- 2) The subject project has been budgeted, financed, approved, and presently under contract to commence construction.
- 3) The project will be completed prior to two consecutive winter periods.
- 4) The local municipality is notified in writing of all projects under this clause.

The tentative Permit criteria for Stormwater Re-application are unreasonable and should be revised to include a grandfather clause existing projects under construction.

Considering the many different stages of construction at the actual adoption date and capturing of data would be likely limited and fragmented, and not useful.

Recommendations

In closing we offer the following suggestions:

- The new Permit should be developed with a triage philosophy. Construction sites should be required to implement source control and good housekeeping practices to develop a Rain/Storm Event Action Plan (REAP). The REAP should only be required prior to major changes in construction phases that adjust or modify existing BMP's. If sites are not non-compliant as determined by Regional Board staff, the Permit could mandate sampling and analysis for comparison against NAL's and NEL's (Ph and turbidity only). Annual reports should only be required for non-compliant sites. This approach would encourage sites to comply as opposed to requiring all sites to conduct a costly sampling and analysis program.
- Should the Board determine the Permit appropriate as proposed, the City would strongly encourage the Board to pilot test this Permit on several State construction projects first. This would provide an opportunity to determine processes and procedures necessary to effectively implement this Permit along with associated costs.

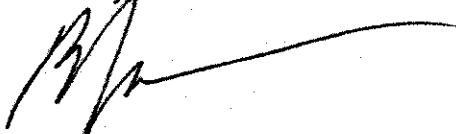
Thank you for your consideration of our comments. Should you have any questions regarding this letter, please contact Chris Kraft at (916) 774-5373. Please include the City of Roseville on any notification distribution list created for this project.

Send all future notices to:

Mark Queipo, Assistant Engineer
City of Roseville
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311 Vernon Street
Roseville, CA 95678

Guy Howes, Senior Engineer
City of Roseville
Public Works Department
311 Vernon Street
Roseville, CA 95678

Sincerely,



Rob Jensen
Public Works Director/City Engineer