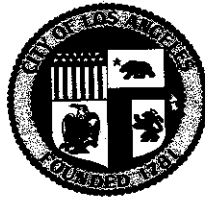


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CALIFORNIA



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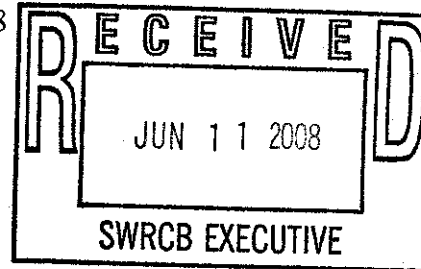
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June 10, 2008



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

CITY OF LOS ANGELES COMMENT LETTER – DRAFT CONSTRUCTION PERMIT

Ms. Townsend:

The City of Los Angeles appreciates the opportunity to comment on the Draft Construction Permit. As the one of the largest and oldest cities in California, Los Angeles experiences constant development and re-development of our city lands. As such, the impact of the requirements of the General Permit for Discharges of Storm Water Associated with Construction Activities has great significance not only to the private developers and contractors doing work in the City but also on all City departments that are involved in constructing City facilities.

As building construction is more of a practical and less scientific trade by nature, we are concerned with the appropriate application and practicability of the new regulations. The existing General Construction Permit contains prescriptive requirements that can be easily followed and implemented by all construction trades. We feel that the requirements of the existing General Construction Permit are very effective in preventing storm water pollution particularly excessive sediment from leaving the construction sites and flowing into the storm drain system when Best Management Practices are properly implemented. The effectiveness of the existing regulations would benefit from more frequent and constant review and inspection of construction activities by enforcement agencies.

Our detailed comments to the Draft Construction Permit are as follows:



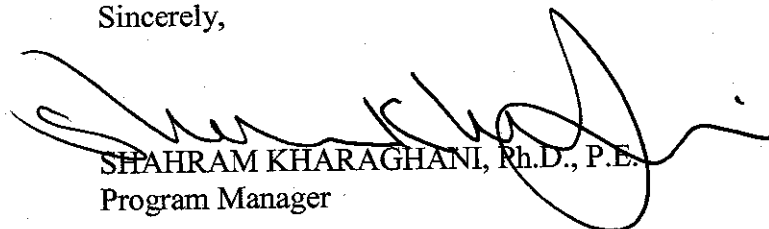
SECTION	COMMENT
Draft General Permit Pg. 10, Table 1	Typo: NAL for Turbidity calculation is in Attachment C (and not in Attachment J as shown on page 10 of the draft permit).
Draft General Permit Pg. 12, Section VI-Provisions, 2b, 3, 6. Existing Dischargers	Request that existing construction continue to be covered under the existing General Construction Permit (Order 99-08-DWQ) and be evaluated at the time of their annual fee submittal to determine if the on-going construction project needs to apply for coverage under the new permit regulations and fees. For on-going construction projects, the new requirements can only be incorporated into the existing construction contract via change orders, at additional expense and delay to the developer.
Draft General Permit Pg. 12, Section VI-Provisions, 2a. New Dischargers	Specify what documents are included in the PRD's to be filed electronically. PRD is listed in Attachment M as "Permit Registration Documents" but is not defined in Attachment L: Glossary. Is the NOI considered the complete PRD or are other documents, such as the Risk Determination Worksheet and the SWPPP, required to be submitted electronically along with NOI?
Draft General Permit Pg. 16, Section VIII C - Runon and Runoff Controls	Item #1 requires the evaluation of runon and runoff at all construction sites through observation and sampling, but does not indicate any requirements for data collection or assessment. In lieu of an evaluation, provisions for runon and runoff controls for all risk levels would be more restrictive and beneficial.
Draft General Permit Pg. 17, Section VIII F - Good Site Management	This section appears to be similar to Attachment H (SWPPP), Section 7-Good Housekeeping and Section 9-Materials Handling Please clarify the differences between these sections, and which section dischargers will be required to comply with.
Draft General Permit Pg. 20, Section VIII F.6 - Air Deposition	Clarify requirements for air deposition issues. Specify what "appropriate controls" mean and what types of air depositions are of concern.
Draft General Permit Pg. 20, Sect VIII - H New Development	Clarify the heading of this section to clearly identify it as "post-construction" storm water mitigation measures.
Draft General Permit Pg. 24, Section X Rain Event Action Plan (REAP)	Item #2 of this section indicates that the REAP is to be developed 48 hours prior to any likely precipitation event. However, the REAP form in Attachment G indicates that the form is to be completed within 48 hours prior to commencement of the grading/land development phase. Please clarify which statement is correct.
Draft General Permit Pg. 26, Section XII.2 Regional Water Board Authorities	There should be language establishing a review process and period for Regional Water Board review of permit applications based on public comments. A recommended maximum review period of 90 days after acceptance of application will ensure that applicants can quickly and completely address any comments or request for changes to their permit application.

Attachment A Project Risk Worksheet	The multiple web-links in the risk determination worksheets adds complexity to the risk determination. All necessary references (tables) should be provided in the attachment to better assist the discharger in the risk determination. Additionally, an official training seminar conducted by the SWRCB on the correct assessment of the risk determination would be very beneficial.
Attachment A Risk Determination, Receiving Water (RW) Risk Factor Worksheet – Sect. A.1	Please clarify the statement, “Does the disturbed area discharge (either directly or indirectly) to a 303d-listed water body impaired by sediment.” Attachment A has 303-d impaired water bodies list for sedimentation/siltation, however, the above statement mentions sediment. Clarify if risk determination is affected by sediment or sedimentation. Additionally, delete the term “indirectly” as it is very difficult if at all possible to determine if a site discharges “indirectly” to an impaired water body.
Attachment A Risk Determination, Receiving Water (RW) Risk Factor Worksheet – Sect. A.2	UC Davis website appears to be the chosen reference for this section. Has this website been validated for accuracy in the information provided? Since the General Construction Permit is a regulatory document, a more appropriate reference should be another regulatory document.
Attachment A Risk Determination, Receiving Water Worksheet – Sect. B.2	Section does not seem to be applicable for discharges that enter directly into a large water body like the harbor. Many factors, such as left and right bank protection, will not apply to large water bodies. There should be an exemption from calculating the Channel Stability for these unique circumstances.
Attachment A Receiving Water Worksheet –Sect. B.1, B.3	Please define “sensitive receiving waters.”
Attachment B Monitoring Program	Define “Storm Event.” If this is used interchangeably with, “Qualifying Rain Event” throughout the Permit, please clarify the definition by indicating this in the General Permit Section and the Appendix: Glossary.
Attachment B Monitoring Program, Receiving Water (RW) Monitoring Requirements	The correlation and actual impact to the receiving water body from a construction site discharge is unclear, given that the characteristics of construction sites discharges are episodic and in small quantities, where its impact are diluted by a large receiving water body. Additionally, it is very difficult to attribute what the impact from a construction discharge will have on a receiving water body when there are multiple discharges into the receiving water body. Construction discharges and its area of influence to the receiving water body needs to be defined so that receiving water body monitoring data has relevance.

Attachment B Monitoring Program, Table 5	Bioassessment appears to only apply to "wadable" streams in Table 5. Please clarify how this monitoring applies to discharges into large water bodies such as the harbor.
Attachment B-MP Pg 10, F. Table 5	Typo in Table: Reference to attachment J should instead be attachment C (for Turbidity Numeric Action Level Spreadsheet).
Attachment B-MP Pg 17, N.4.h	Typo: Reference to Section K.1 h is incorrect. No such section. Please clarify if reference is supposed to be Section L.1.h.
Attachment L Glossary, Pg 4	Provide definition of Numeric Effluent Limitation.
Attachment L Glossary, Pg 4	Provide definition of Modified Universal Soil Loss Equation (MUSLE).

The Bureau of Sanitation, Watershed Protection Division works closely with all City departments in establishing policies and procedures to ensure compliance with all storm water regulations. In order to keep all City departments informed of new and upcoming regulations and their impacts to City operations, we would greatly appreciate a written response to our comments above.

Sincerely,



SHAHRAM KHARAGHANI, Ph.D., P.E.
Program Manager

SK:RMV:AG
WPDCR 8457

cc: Enrique C. Zaldivar, Director, Bureau of Sanitation
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Ralph G. Appy, Harbor Department
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