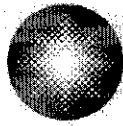


John Quinn
Director of Environmental Affairs

100 Constellation Way
Suite 1000C
Baltimore, Maryland 21202
410-470-1215
443-213-3204 Fax



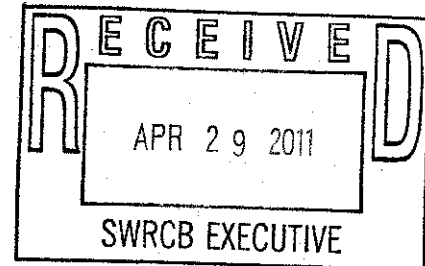
Constellation Energy

April 29, 2011

Via US Mail, Facsimile & Electronic Mail

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

fax: (916) 341-5620
commentletters@waterboards.ca.gov



Re: Comment Letter – Draft Industrial General Permit

To Whom It May Concern:

Constellation Energy appreciates the opportunity to contribute to the Proposed California General Storm Water Permit, as published in the Notice of Opportunity to Comment, distributed on January 28, 2011, and the subsequent notice extending the deadline for receipt of comment letters to noon, April 29, 2011.

Constellation Energy

Constellation Energy (www.constellation.com, NSYE: CEG) is a leading competitive supplier of power, natural gas and energy products and services for homes and businesses across the continental United States. It owns a diversified fleet of generating units, totaling approximately 12,000 megawatts of generating capacity, and is a leading advocate for clean, environmentally sustainable energy sources, such as solar power and nuclear energy. The company delivers electricity and natural gas through the Baltimore Gas and Electric Company (BGE), its regulated utility in Central Maryland. Additionally, the company operates and co-owns six electric power plants in California. A FORTUNE 500 company headquartered in Baltimore, Constellation Energy had revenues of \$14.3 billion in 2010.

Constellation Energy supports California's efforts in industrial storm water control, and in an effort to strengthen the process, offers the following comments and requests for clarification on the proposed NPDES storm water general permit.

Constellation Energy suggests that the timelines stipulated for implementation of the final permit be extended.

Between one and five years, which aligns with industry business planning schedules, would be more appropriate in allowing for businesses to accurately plan for newly issued revised permits, with the more restrictive limits and requirements, including new technologies and substantial expenditures.

The basis of Numeric Effluent Limits (NEL) should be the actual data that has been collected during the program implementation and not the original benchmarks.

The storm water program established "benchmarks" many years ago, and a tremendous amount of data has been collected over the entire program implementation years based on these thresholds. Because the actual data is available, it is recommended that the Numeric Action Limits (NAL) and the Numeric Effluent Limits (NEL) be based on this actual data and not on the original benchmarks.

It appears the NEL are to be implemented too quickly to allow for evaluation of performance of the BMPs.

Corrective actions in the form of BMPs, which include combinations of BMPs, can take some time to demonstrate positive results. They may reduce the levels of pollutants, but might not allow for results to be below Numeric Action Limits (NAL) at first. It is suggested that if the resultant pollutant loadings are reduced and positive progress can be demonstrated through analytical results, the next corrective action level not be required. Furthermore, providing more time for examining the success and then optimizing the BMP performance prior to triggering the Numerical Effluent Limits (NEL) would be beneficial to the individual plants and the storm water program as a whole.

At least one year should be allowed for BMP implementation.

A thorough planning process is required for the data evaluation, BMP selection, budget approval, scheduling, design, construction, and implementation of a new BMP and possibly a complex combination of BMPs. It is proposed that at least one year would be more appropriate to investigate and implement new practices and budget the associated expenditures.

Constellation Energy suggests clarification of the following items in the proposed general permit:

Numeric Action Level (NAL) triggers and required actions.

It is unclear if exceeding the Numeric Action Levels (NAL) in the quarter or in the year will trigger the next level of corrective actions in that compliance year or the following compliance year. As stated above, the following compliance year is recommended to allow for proper and accurate planning.

The relationships between NAL and corresponding corrective actions, and the specificity to pollutants.

The proposed permit is not clear whether the NAL and corresponding corrective action is specific to the pollutant. It is also unclear if the change from NAL to NEL is by pollutant and not the entire list of NAL. Since BMP typically target certain pollutants, it is recommended that it be by pollutant.

In reference to a Qualified Storm Event, the requirements for weather monitoring equipment.

It appears that each facility will need a calibrated weather gauge. However, the specific requirements for the rain gauge calibration are not clear. It is recommended that the calibrations be performed per the manufacturer's recommended standards.

Pre-storm inspections for Ineligible Storm Events do not add value and should be deleted from the permit requirements.

Constellation Energy believes that the typical weekly inspections of plant areas, which would include storm water drainage, to ensure good housekeeping practices are performed, would be sufficient for the pre-storm inspections. Additionally, it is understood that recording all rain events, whether a qualifying rain event or not, could be pertinent information. However, recording that no discharge occurred for a non-qualifying event does not appear to bring value to the information collection. It is requested that this requirement be reconsidered.

Constellation believes, based on data collected to date, that the requirement to increase sampling frequency to every storm event for level 3 is not required to determine BMP.

Constellation Energy believes, based on review of many years of our storm water analytical data, that in order to evaluate and determine the BMP, every storm event would not need to be monitored. It is believed that the resources are better spent on implementing the BMP than multiple and redundant analyses.

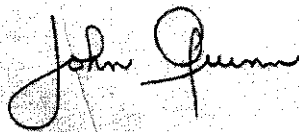
To minimize the burden regarding training of the onsite Qualified SWPPP Practitioner (QSP), Constellation Energy suggests that online training be provided.

Traveling to an offsite conference for the training may be too time consuming, and many plants may not be able to spare the staff. Additionally, pre-qualifications for the QSP should be limited; the emphasis should be on the qualifications and knowledge obtained during the QSP training, and when certification is secured.

Waiving fees and annual reevaluations for facilities that decide to obtain a no exposure certification and a no discharge certification may be a way to incentivize "better than required" participation.

The exemptions could provide some incentive to go beyond the letter of the permit for facilities that invest in the practices and controls to become a "no exposure" facility, or a "no discharge" facility that invests in a 100 year, 24 hour storm event pond.

Sincerely yours,

A handwritten signature in cursive script that reads "John Quinn". The signature is written in dark ink on a light-colored background.