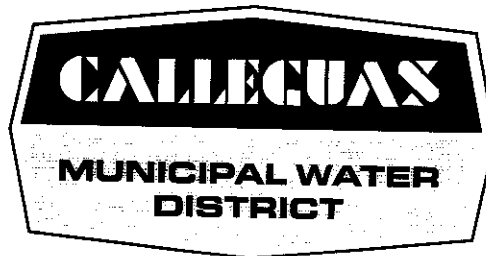


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Donald R. Kendall, Ph.D., P.E.
General Manager



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

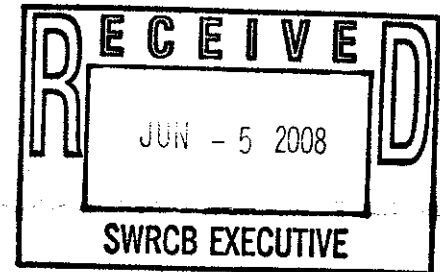
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May 30, 2008

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



Subject: Comments on Proposed Draft General Permit for Discharges of Storm Water Associated with Construction Activities

Dear Ms. Townsend:

As a water purveyor serving nearly 600,000 people in eastern Ventura County, the Calleguas Municipal Water District is constantly constructing new facilities and upgrading existing ones to meet water demands and improve local water supply reliability. We have often applied for coverage under the previous version of the construction storm water permit (Water Quality Order 99-08-DWQ) to cover such construction activities. We therefore have a great deal of interest in the Proposed Draft General Permit for Discharges of Storm Water Associated with Construction Activities and appreciate the opportunity to provide comments prior to its adoption.

Our primary concern is that the draft permit requires that a Storm Water Pollution Prevention Plan (SWPPP) be submitted with the Notice of Intent (NOI) before coverage can be initiated under the General Permit. This requirement is challenging because of the way that public works projects are typically designed, permitted, bid and constructed. The California Public Contract Code requires that public agencies publicly advertise and bid their construction projects, so the contractor cannot be selected until design and permitting are completed.

SWPPPs have typically been developed by the contractor, as they are highly specific to the contractor's approach to the work, including his phasing, choices in borrow or disposal areas, and off-site storage and staging areas. With the proposed requirement that a SWPPP be submitted with the NOI, SWPPPs would have to be prepared during design, likely by a design engineer (or storm water professional). While a SWPPP could be developed during design, it is likely to be insufficiently specific to meet the SWRCB's requirements and highly susceptible to change, as it would only reflect the design engineer's best guess at how the contractor will approach the work. The design engineer's SWPPP may not provide the best erosion prevention and sediment control for a site if the contractor's approach differs. Additionally, it would lack specificity on any off-site storage areas and would not contain the information required by permit conditions IX.A.5 and 6, because this information would simply not be available during design.

Jeanine Townsend, SWRCB
May 30, 2008
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We would propose that the initial Permit Registration Documents not require the SWPPP itself and that the SWPPP be submitted once the contractor has been selected and prior to the initiation of construction activities. This will allow the contractor to continue to develop the SWPPP to reflect his chosen approach to the work, while still requiring that the SWPPP be provided to the SWRCB before construction begins.

We appreciate the opportunity to review the draft permit. If you have any questions or require additional information, please contact me at (805) 579-7111.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald R. Kendall". The signature is fluid and cursive, with the first name being the most prominent.

Donald R. Kendall, Ph.D., P.E.
General Manager