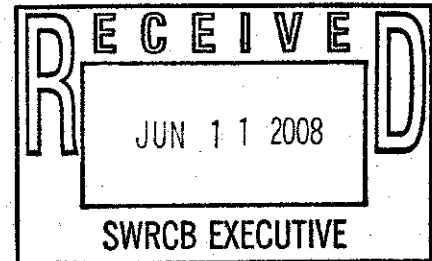




June 11, 2008

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



SUBJECT: COMMENT LETTER – DRAFT CONSTRUCTION PERMIT

Dear Ms. Townsend,

Rick Engineering Company offers comments on the following topics in the Draft Construction Permit, Order No. 2008-XX-DWQ:

Page 8 of 27, Section II.A.1

Please provide guidelines for the electronic submittal process. During the public workshops the process was discussed and it appeared that the process was still being developed but when the process has been finalized please provide a guidance document on how to file electronically all documents required. This would be very useful to the dischargers.

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San Diego Basin Plan requires a maximum effluent limit of NTU 20 for turbidity. Permit states NTU 1000 for Non-ATS sampling. San Diego Basin Plan is unattainable and General Permit should govern. Language should be added to state this.

Page 11 of 27, Section V.4

This section should reference the requirements in Section H.

Page 12 of 27, Section VI.2.a

Last sentence: change the work “accepted” to “submitted” in the sentence “Permit coverage shall not commence until the PRDs are accepted submitted and the permit fee...”

Page 14 of 27, Footnote 7

‘Planning Watershed’ is called out as ‘PWS’ but not on acronym sheet. Add to acronym sheet.

Page 15 of 27, Section VIII.A.4b

The discharger should not be responsible for runoff that exceeds NAL/NELs. Nor can the discharger install BMPs off-site. This language should be modified to state that the discharger could obtain a run-on sample to prove the exceedance is caused by an upstream source.

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Page 16 of 27, Section VIII.C.1

Last sentence leads to diversion. This is in conflict with drainage law and could cause adverse impacts to downstream receiving waters. This sentence should be removed.

Page 16 of 27, Section VIII.D.4

Provide further clarification/definition for erodible slopes.

Page 17 of 27, Section VIII.F.1

Provide further clarification/definition of, "Construction Materials that Pose a Threat".

Page 18 of 27, Section VIII.F.2

Provide further clarification/definition of the term, "Waste Management"

Page 19 of 27, Section VIII.F.2.ii

Provide further clarification/definition of the term, "Identify & Train".

Page 20 of 27, Section VIII.F.6

Provide further clarification/definition of the "Air Deposition".

Page 20 of 27, Section VIII.H

This comment pertains to projects that are not covered by an active Phase I or II municipal separate storm sewer system (MS4) permit. Projects that are approved or even under construction could entail substantial project redesign if required to meet this sections requirements if the project site is not covered by an active Phase I or II municipal separate storm sewer system (MS4) permit. The general permit needs grandfather provisions for existing approved projects and separate exemptions from N.O.T. requirements for projects which have approved grading permits, obtained lawful prior approval or are already under construction.

Page 21 of 27, VIII.H.3.

Provide clarification/definition/examples of structural and non-structural BMP measures. Staff Approval? How? How long does it take to get approval?

Page 21 of 27, VIII.H.4

Does a canyon count as a stream? What and who defines a stream? Is it a blue line stream, defined by a bed and bank, minimum tributary area draining to the stream? These questions are with respect to 1st order streams.

Page 21 of 27, VIII.I.4

This section refers to Project Implementation Requirement J that does not seem to apply. Can you please check this reference?

Page 22 of 27, VIII.I.5g

This section states photographs taken during the inspection, if any. What does "if any" mean? Is it optional?

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Page 22 of 27, VIII.J.1

This section discusses training and states that training should "Occur on an ongoing basis". Please provide the frequency.

Page 25 of 27, XI.1

This section refers to electronically file a NOT in accordance with Attachment B. Attachment B is Monitoring Program and Reporting Requirements, which does not seem to apply. Can you please check this reference?

Page 25 of 27, XI.3.a Footnote 12

The last sentence in footnote 12 states that the remaining exposed soil shall be partially covered by at least 2" of fallen plant litter or standing dead plant litter. How will existing dirt roads be handled in this situation? Existing dirt roads should continue be to dirt roads. Please add language to exempt dirt roads from this requirement.

Attachment A, Sediment Risk Factor Worksheet

The option to choose an R Factor should not be solely based on the timeframe of the project (length of construction). The R Factor should be based on the "Phase" of Construction. Furthermore, the R Factor should be reevaluated throughout the life of construction.

Attachment A, General Comment

On several occasions during this public review comment period, the websites for Attachment A were "down". There is concern that upon adoption of the General Permit that there will be accessibility issues associated with preparing and submitting PRDs. What action is the SWRCB going to take to ensure that this will not inhibit a project?

Attachment B, Section E

What is the accepted guidelines/parameters for testing pH and turbidity? Field testing? Lab testing?

Attachment B, Section F Storm Water Effluent Sampling Locations (page 10 of 17)

Table 5 identifies conducting a bioassessment with the analytical test method CA Wadeable Stream Method. A California Department of Fish and Game Scientific Collecting Permit is required as stated in the California Stream Bioassessment Procedure. It is our understanding that obtaining this collection permit may take a significant amount of time. In addition, a collection permit may be required for every storm event. Will construction storm water sampling be exempt from this requirement to obtain a collection permit?

Attachment B, Section G.1.b (page 11 of 17)

This sections provides two conditions where the discharger is not required to physically collect samples or conduct visual observation (inspections). Condition b states outside of scheduled site operating hours which conflicts with page 2 of Attachment B which states "sunrise to sunset" and page 6 of Attachment B which states "daylight hours". Please provide consistency with these requirements.

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Attachment B, Section H.6 (page 11 & 12 of 17)

Permit eludes to utilizing bottles to collect samples, can we use sterile bags? Please provide alternatives to bottles if acceptable.

Attachment B, Section L (the 2nd one on page 15 of 17)

The permit has 2 section "L"s. Please change the 2nd "L" to "M" and "M" to "N" and "N" to "O".

Attachment D, General Comment

Sediment Basin Sizing design criteria leads to strange length to width ratios. The equations and text were taken from the reference document however an entire chapter has been reduced to 2 pages. In the reduction the translation was lost therefore the text and the equations do not mean the same thing. Please fix this discrepancy.

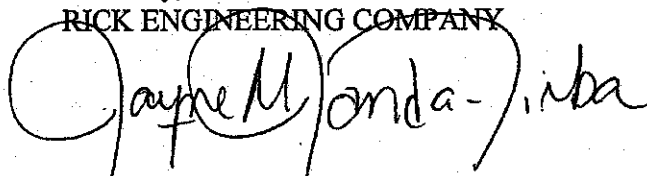
Attachment F, General Comment

This attachment (REAP) does not have a title of Attachment F. Please add.

We thank you for considering these comments. If you have any questions regarding our comments you can reach me directly at (619) 688-1448 to discuss further.

Sincerely,

RICK ENGINEERING COMPANY



Jayne M. Janda-Timba
R.C.E. # 70649, Exp. 06/09
Associate

JJT:kc/text.Townsend